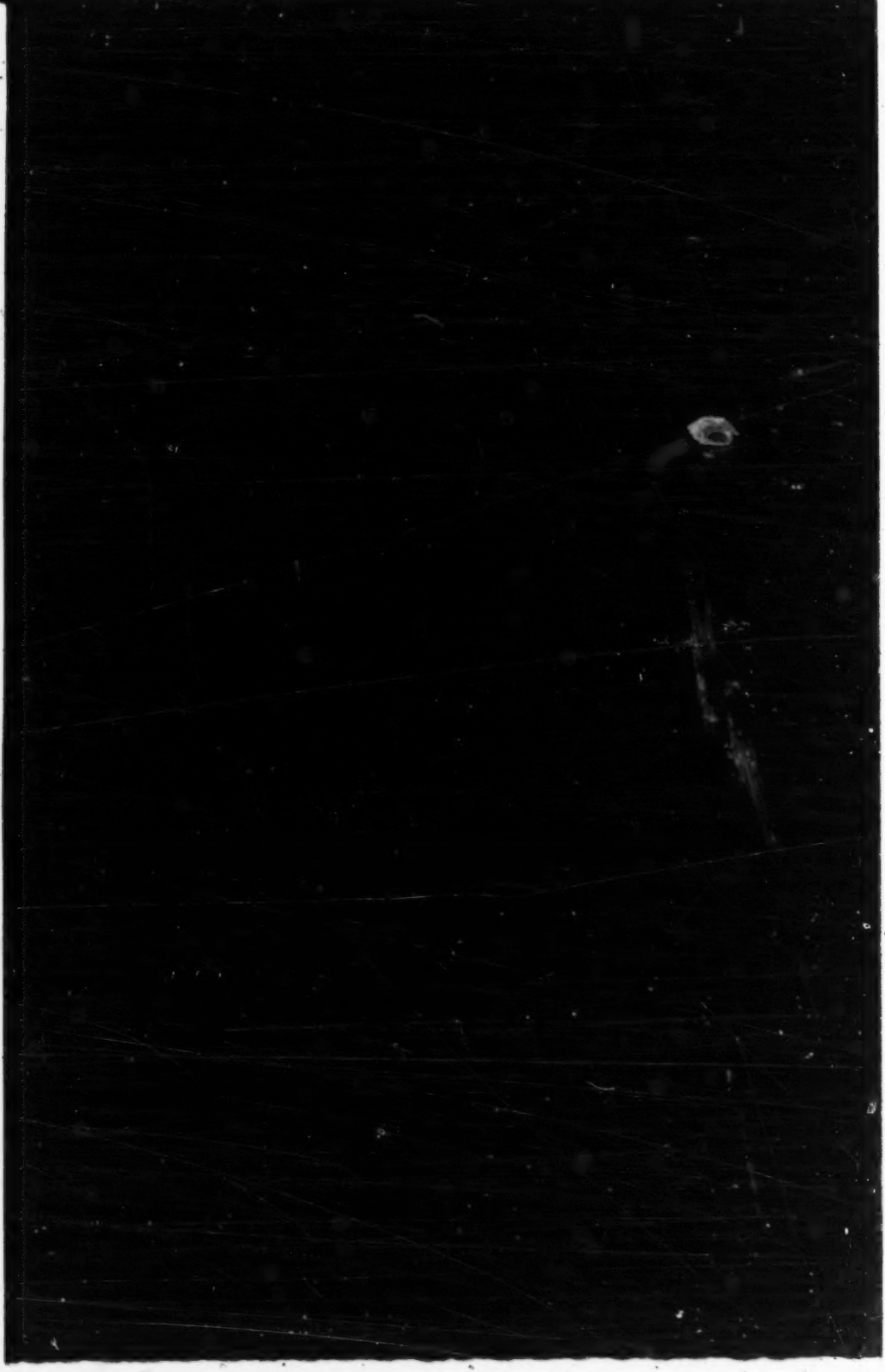

Nos. 10112, 10114, 10115, 10123

# United States
# Circuit Court of Appeals
## For the Ninth Circuit.

No. 10112.
HEARST PUBLICATIONS, INCORPORATED,
Petitioner,
vs.
NATIONAL LABOR RELATIONS BOARD,
Respondent.

No. 10114.
STOCKHOLDERS PUBLISHING COMPANY, INC.,
Petitioner,
vs.
NATIONAL LABOR RELATIONS BOARD,
Respondent.

No. 10115.
HEARST PUBLICATIONS, INCORPORATED,
Petitioner,
vs.
NATIONAL LABOR RELATIONS BOARD,
Respondent.

No. 10123.
THE TIMES-MIRROR COMPANY, a corporation,
Petitioner,
vs.
NATIONAL LABOR RELATIONS BOARD,
Respondent.

# Transcript of Record
## In Four Volumes
## VOLUME II
## Pages 485 to 979

Upon Petitions for Review and Enforcement of Orders of the National Labor Relations Board

ROTARY COLORPRINT, 590 FOLSOM ST., SAN FRANCISCO

HERALD EXHIBIT NO. 3

[Letterhead of Downtown Business Men's Association]

January 3, 1935.

David Bell, Street Circulation Mgr.,
Los Angeles Herald-Express,
Los Angeles, Calif.

Dear Mr. Bell:

I wish to confirm our telephonic conversation of Saturday morning, which is as follows:

"Harry Relis, your news-boy at the Rowan Bldg. corner at Fifth and Spring Streets, called upon me Friday, December 28th, and informed me that he had $100.00 invested in the right to sell the Herald Express on this corner, and asked for an opportunity to go back on this corner in order that he might recover his investment; and that on Saturday morning, the 29th, I communicated with Mr. J. F. Donlan of the R. A. Rowan Company by phone and explained the circumstances to him, and he agreed with me that the thing to do was to let Mr. Relis go back on the corner, in order that he might be given the opportunity of recovering his investment, which you agreed to do."

On January 2nd I received a letter from J. Allan Frankel, attorney, regarding this matter, and I understand you received a similar one. I immediately phoned Mr. Frankel and told him of my conversation with you on Saturday morning, and that it was not necessary for Mr. Relis to seek an attor-

ney, as the matter was already taken care of. He appreciated my interest in the matter, and stated that it was very decent of me to have called you up.

This thereby relieves this office of any responsibility in the removal of Harry Relis from the Rowan Bldg. corner at Fifth and Spring Streets.

Yours very truly,

DAIN STURGES,

Secretary.

DS:S

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HERALD EXHIBIT 4

J. Allen Frankel
Attorney at Law

511 C. C. Chapman Building
Los Angeles
Trinity 5308

Dec. 31, 1934.

Los Angeles Evening Herald and Express,
1243 Trenton Street,
City

Gentlemen:

Harry Relis who sells magazines and newspapers at the northeast corner of Fifth and Spring Streets, this city, tells me that you discontinued selling him your newspapers at the written request of the Down Town Business Men's Ass'n., the latter named being instigated by the Rowan Building.

If these facts are correct, you may be guilty of a conspiracy to deprive my client of his livelihood, and I respectfully suggest that you immediately investigate the matter and make what restitution you deem advisable.

Awaiting your response,

Yours very truly,

J. ALLAN FRANKEL

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HERALD EXHIBIT NO. 6

Jan. 21, 1939.

Dear Nick:

I haven't been down to see you because of being ill. I have sold the corner to Harry Powers, a friend of mine. So that you will know that this is my signature, I am identifying myself by repeating to you the story which you told me about that watch fob of Dad's. Remember? I am out at Glendale Sanitarium for another week, if you should want to reach me. Please turn over the corner to the buyer on Monday.

MAE WILLIAMS.

## HERALD EXPRESS EXHIBIT NO. 7

[Title of Board and Cause.]

Case No. XXI-R-928
Consolidated with
Case No. XXI-R-927
and
Case No. XXI-R-1062

Rule 8.19 of the Rules under the California Unemployment Insurance Act (Chapter 352, Laws of 1935, as amended) as revised effectiye May 1, 1938, provides, in so far as material, as follows:

"Newsboys or Distributing Carriers, Newspaper Correspondents and Casual Contributing Writers. Newsboys or distributing carriers of newspapers are deemed independent contractors, and as such not liable as employees under this act for payment of contributions upon their earnings." * * *

"The term 'newspaper' as herein contained is construed to mean and have reference to a publication admitted by the United States Post Office as second class mail matter; and which conforms in all respects to the requirements of the provisions of section 520 of the Postal Laws and Regulations of the United States of America, edition of 1932, in effect October 1st, 1932, the provisions of which section 520 are by reference hereby incorporated herein and made a part hereof, and which publication further conforms in all respects to the provisions

of section 4460 of the Political Code of the State of California, defining a newspaper of general circulation, the provisions of which latter are by reference hereby incorporated herein and made a part hereof."

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HERALD EXPRESS EXHIBIT NO. 8

[Title of Board and Cause.]

Case No. XXI-R-928
Consolidated with
Case No. XXI-R-927
and
Case No. XXI-R-1062

Social Security Tax Unit Ruling No. 64 (CD 1937-1 370,) provides in part as follows:

"A newsboy purchases newspapers from a publisher and sells them in such manner and at such time and place as he chooses. It is stated that the publisher does not control, and has no right to control, the activities of the newsboy in making his sales. The newsboy retains as his profit the difference between the purchase price and the selling price of the newspapers. The relationship of employer and employee does not exist as to such services. It follows that no liability for the taxes imposed by Titles VIII and IX of the Social Security Act is incurred with respect to the services performed by a newsboy under the circumstances stated."

HERALD EXHIBIT No. 1

[Title of Board and Cause.]

Case No. XXI R 928
Consolidated with
Case No. XXI R 927
and
Case No. XXI R 1062

## ANSWER TO AMENDED PETITION FOR INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES PURSUANT TO SECTION 9(c) OF THE NATIONAL LABOR RELATIONS ACT

Comes now the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated, a corporation, reserving its rights under its motion to dismiss filed concurrently herewith, and appearing for itself alone, files this its answer to Amended Petition for Investigation and Certification of Representatives Pursuant to Section 9(c) of the National Labor Relations Act, and admits, denies and alleges as follows:

(1) Denies that the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated, a corporation, is the employer of the persons, or any of them, designated in said petition as members of a unit described as "Newsboys who sell papers at main spots and checkmen within the city limits of Los Angeles, California."

(2) Denies that the so-called bargaining unit described in said petition is an appropriate unit.

(3) Denies that any of the persons alleged to

comprise said unit is an employee of the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated.

(4) Denies that the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated has 280, or any employees in said unit.

(5) Denies that the "number or percentage of employees in such unit who have designated or selected petitioner to be their representative for collective bargaining" is 210, or any other number or percentage.

(6) Denies that any question has arisen concerning the representation of any employees of the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated in the alleged bargaining unit described in said petition; denies that the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated has refused to bargain with its employees; denies that the petitioner is the representative of the employees of the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated, or any of them, and in this connection alleges that any and all members of the petitioner or of the bargaining unit described in said petition who sell the newspaper published by the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated is and are independent contractors or merchandisers.

(7) Denies that the so-called question concerning representation, whether as described in said

petition or otherwise, is a question affecting commerce within the meaning of the National Labor Relations Act.

Wherefore, the Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated prays that the "Amended Petition for Investigation And Certification Of Representatives Pursuant to Section 9(c) of The National Labor Relations Act", heretofore filed herein, be dismissed.

FLINT & MAC KAY
By EDWARD L. COMPTON
Attorneys for Los Angeles Evening Herald and Express Department of Hearst Publications, Incorporated.

(Duly verified.)

STOCKHOLDER EXHIBIT NO. 3

SPECIAL MEETING
of the
HERALD & NEWS UNIT
of the
LOS ANGELES NEWSBOY'S L.I. UNION
#75 CIO
8 PM
TUES. NITE. - OCT. 11
121½ S BROADWAY
(3 doors north of Mason Opera House)

---

ORDER OF BUSINESS:

HOW SHALL A
NEWSBOY HOLD
THE HERALD & NEWS?

Now that the day newsboys are selling both the Herald-Express and the Evening News, just what is expected of them by the publishers? There have been a lot of rumors and each newsboy seems to have a different opinion on the matter. Let's get to the bottom of this problem!!

This meeting is being called for the purpose of setting a standard guide for all newsboys and to establish a permanent arrangement on this matter. Also to draw up an agreement by which Herald & News newsboys can co-operate satisfactorily with

both the Herald district-men and the News district-men.

Be present at this meeting, and bring your best suggestions to settle this question.

PAT COMORRE,
Organizer,
Newsboy's L.I.U.#75,CIO

8 P.M.
TUES. NITE- OCT. 11
121½ S. BROADWAY
(3 doors north of the Mason Opera House)

10/8-1938

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STOCKHOLDERS EXHIBIT No. 4

[Title of Board and Cause.]

No. XXI-R-927

STIPULATION RESPECTING TESTIMONY OF DUTTON O'BRIEN

It Is Hereby Stipulated By and between Frank A. Mouritson, as attorney for National Labor Relations Board, and Binford & Binford, as attorneys for Stockholders Publishing Company, Inc., that if Dutton O'Brien (circulation manager of The News) were called to testify that his testimony would be as follows:

That The News has a daily average circulation of 195,191 within the State of California,

as set forth in the agreed statement of facts, the Board's Exhibit No. 10, and that it has a daily average circulation of 534 outside of the State of California, as set forth in said agreed statement of facts;

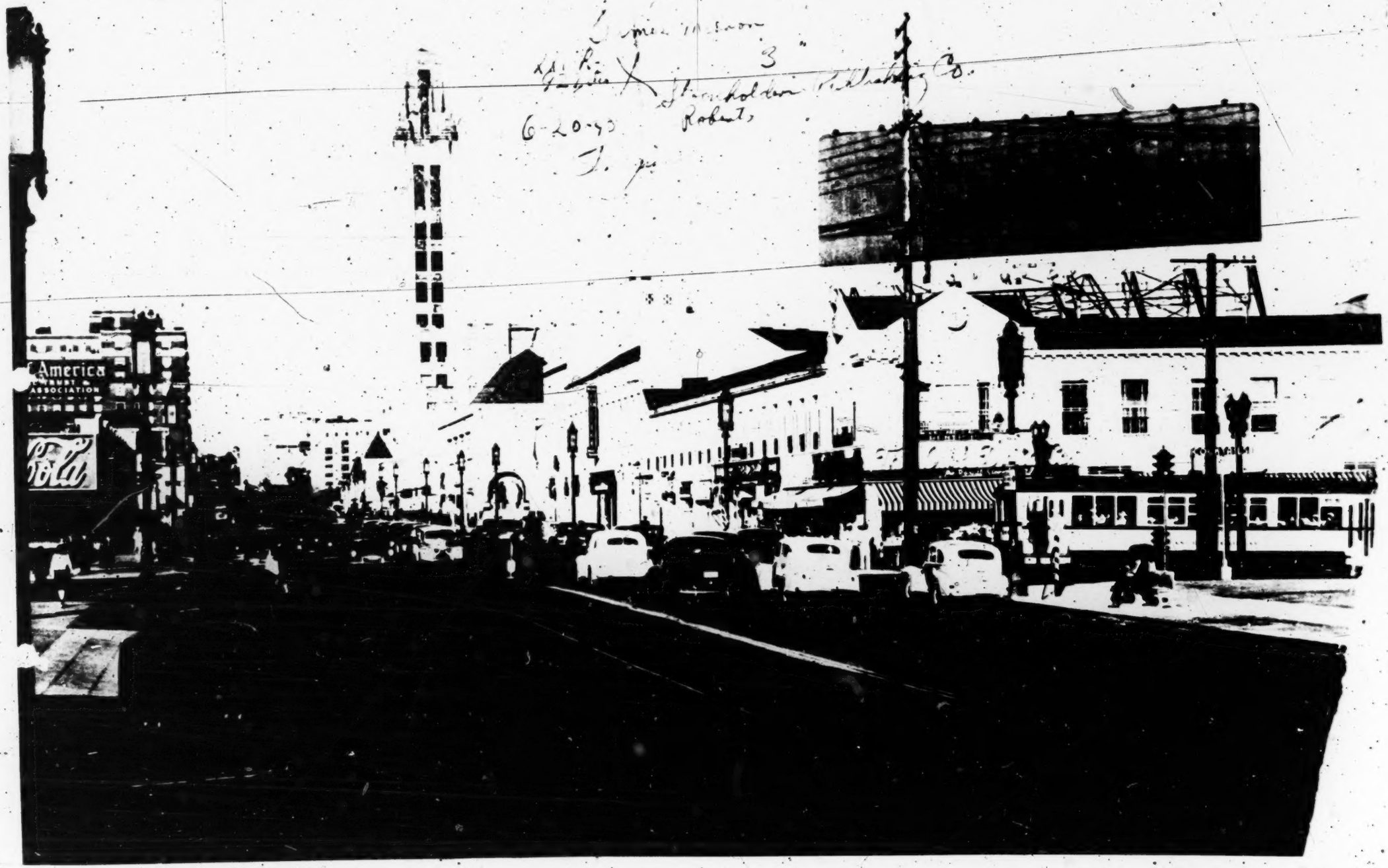
That the street sale newsboys as such newsboys have been defined in this hearing, do not sell or handle in any manner whatsoever any of the copies of said newspaper which are sold or distributed outside of the State of California;

That any change in the volume of the sales of street sale newsboys would not increase or decrease the volume of the sales of the newspaper outside of the State of California.

It Is Agreed By and between the parties hereto that this stipulation may be admitted in evidence as Stockholders Publishing Company, Inc.'s Exhibit No. ——.

FRANK A. MOURITSEN,
Attorney for National Labor Relations Board.

BINFORD & BINFORD,
By HOWARD M. BINFORD,
Attorneys for Stockholders Publishing Company, Inc.


America
INVEST
ASSOCIATION
Cola

X-VI-R-
92 Late
6-2140
Tourabout Publishing Co.
Joaquin

## EXAMINER'S EXHIBIT NO. 1

[Title of Board and Cause.]

CASE NO. XXI R 1084
250 inv.

## ANSWER TO PETITION FOR INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES PURSUANT TO SECTION 9 (c) OF THE NATIONAL LABOR RELATIONS ACT.

Reserving all rights asserted under its motion to dismiss petition filed concurrently herewith, Hearst Publications, Incorporated (Los Angeles Examiner Department), a corporation, for itself alone, files this its Answer to Petition for Investigation and Certification of Representatives Pursuant to Section 9 (c) of the National Labor Relations Act.

1. Denies that Hearst Publications, Incorporated (Los Angeles Examiner Department), is the employer of the persons claimed to be represented by Los Angeles Newsboys Local Industrial Union No. 75, C.I.O.

2. Denies that any or "all newsboys engaged in the street sale of the Los Angeles Examiner within the City of Los Angeles, California" is the appropriate bargaining unit.

3. Denies that "such unit" has 310 employees, or any employee, of Hearst Publications, Incorporated (Los Angeles Examiner Department), among

newsboys engaged in the street sale of Los Angeles Examiner within the City of Los Angeles, California.

4. Denies that the "numbers or percentage of employees in such unit who have designated or selected" said Los Angeles Newsboys Local Industrial Union No. 75, C.I.O. "to be their representative for collective bargaining" is 250, or any other greater or lesser number.

5. Denies that Hearst Publications, Incorporated (Los Angeles Examiner Department), has ignored requests or any request for bargaining conferences with any group representing its employees, and alleges that said Los Angeles Newsboys Local Industrial Union No. 75, C.I.O., does not represent a majority or any substantial fractional part of the newsboys engaged in the street sale of the Los Angeles Examiner at established spots and corners or elsewhere within the City of Los Angeles, California.

6. Denies that any question concerning the representation of said newsboys is a question affecting commerce within the meaning of the National Labor Relations Act.

Wherefore, Hearst Publications, Incorporated (Los Angeles Examiner Department), prays that the petition of Los Angeles Newsboys Local Industrial Union No. 75, C.I.O., for Investigation and Certification of Representatives Pursuant to Sec-

tion 9 (c) of the National Labor Relations Act be dismissed.

LAWLER, FELIX & HALL,
A. LAURENCE MITCHELL,
By JOHN M. HALL,
Attorney for Hearst Publications, Incorporated (Los Angeles Examiner Department).

(Duly verified.)

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EXAMINER'S EXHIBIT NO. 2

[Title of Board and Cause.]

Case No. XXI-R-1084
250 inv.

MOTION TO DISMISS PETITION FOR INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES PURSUANT TO SECTION 9 (c) OF THE NATIONAL LABOR RELATIONS ACT

Comes now Hearst Publications, Incorporated, (Los Angeles Examiner Department), a corporation, and, severing itself from all other persons and appearing specially for the purpose of objecting to the jurisdiction of the National Labor Relations Board, moves to dismiss the Petition of Los Angeles Newsboys Local Industrial Union No. 75, C. I.

O., for Investigation and Certification of Representatives Pursuant to Section 9 (c) of the National Labor Relations Act, in so far as said petition pertains to Hearst Publications, Incorporated (Los Angeles Examiner Department).

Said motion is made on each and all of the following grounds:

1. No one of the members of Los Angeles Newsboys Local Industrial Union No. 75, C. I. O., is an employee of Hearst Publications, Incorporated (Los Angeles Examiner Department).

2. Each and all of the newsboys engaged in the street sale of Los Angeles Examiner at established spots or corners or elsewhere within the City of Los Angeles, California, is and are independent contractors.

3. No question affecting commerce has arisen or can arise concerning the representation of the alleged employees (said Union members) of Hearst Publications, Incorporated (Los Angeles Examiner Department).

4. The Board has no jurisdiction over Hearst Publications, Incorporated (Los Angeles Examiner Department) or over the business conducted by it.

5. The relations of Hearst Publications, Incorporated (Los Angeles Examiner Department) with the alleged employees (said Union members) are not subject to the jurisdiction of the Board.

6. No claimed labor dispute between Hearst Publications, Incorporated (Los Angeles Examiner Department) and said alleged employees (said

Union members) can affect commerce within the meaning of the National Labor Relations Act.

The right to make this motion or to object to any adverse ruling on the same shall not be deemed waived by Hearst Publications, Incorporated (Los Angeles Examiner Department) by the filing of its Answer herein or by any participation by it in the proceedings before the Trial Examiner or the Board; the movant relies upon Article III, Section 4, and Article II, Sections 14-18, inclusive, of Rules and Regulations, Series 2—as amended, of the National Labor Relations Board.

Dated: June 10, 1940.

LAWLER, FELIX & HALL
A. LAURENCE MITCHELL,
By JOHN M. HALL,
Attorneys for Hearst Publications, Incorporated (Los Angeles Examiner Department)

## Times-Mirror Exhibit No. 6 (Continued)

FRANK CURTIS, District Man (Contd.)

| Hustler | Corner |
|---|---|
| Bennett Hoffman | 7th and Vermont |
| Alphonso T. Turner | Wilshire and Vermont |
| Walter J. Walsh | Wilshire and Vermont |
| Joe Catanese | Wilshire and Vermont |
| Richard H. Costello | Wilshire and Vermont |
| Joseph A. Doucette | 6th and Vermont |
| Harry Brown | 3rd and Vermont |
| Clarence L. Senkus | 3rd and Catalina |
| Lew Leslie | Wilshire and Catalina |
| C. E. Oster | Brown Derby |
| Ernest Silk | 9th and Alvarado |
| Harry Buckley | 7th and Alvarado |
| Julius Berger | Wilshire and Alvarado |
| H. H. Hoffman | 6th and Alvarado |
| Charles E. Tate | 3rd and Alvarado |
| Henry Fisher | 6th and Rampart |
| Thomas G. Sullivan | Wilshire and Rampart |
| William Melrose | 8th and Hoover |
| Emil C. Larndgraff | Wilshire-Wilshire Dr. |
| Mason Peterson | 6th and Bixel |
| Harry Crang | 6th and Witmer |
| J. Lucian Taylor | Mayfair Hotel |
| Thomas Gallagher | 7th and Union |
| Sidney Malorrus | Smith Market |
| William Tries | 6th and Union |
| Richard E. Guevara | 6th and Bonnie Brae |
| Joe Stevold | 6th and Burlington |
| C. H. Arnold | 7th and Francisco |
| Jack Ross | 11th and Georgia |
| Joe Gaveta | 11th and Sentous |
| Hermona Gellman | 11th and Valencia |
| Jack Warner | 11th and Burlington |
| Ben Lautman | 11th and Alvarado |
| Micheal Ray | 9th and Union |
| Lewis Zatola | 9th and Sunbury |
| Eddy Coontz | 7th and Valencia |
| James J. Melasher, Jr. | Wilshire and Western |

Times-Mirror Exhibit No. 6 (Continued)

B. Y. BOGUE, District Man (Contd.)

| Hustler | Corner |
|---|---|
| Alex. Akloff | 1st and Clarence |
| Asalvador Cuadra | 1st and Cummings |
| Billie Hillander | 1st and St. Louis |
| Cecil Silnutzer | Brooklyn and St. Louis |
| Isadore Bernstein | Brooklyn and Soto |
| William Matt | Wabash and Evergreen |
| Tony Chapouris | Brooklyn and Evergreen |
| Henry Kubo | 4th and Soto |

WILLIAM BULKLEY, District Man

| | |
|---|---|
| E. J. Brown | Melrose and Larchmont |
| Elmer Weiss | Melrose and Vine |
| Al Bernstein | Santa Monica and Vine |
| John Smith | 1248 No. Vine St. |
| Joe Baron | Afton Place and Vine St. |
| John A. Kircher | Sunset and Vine |
| Richard Kneeland | Sunset and Vine |
| George Boyle | Sunset and Vine |
| Melvin Howard | Hollywood Blvd. and Vine St. |
| Wallace Harmell | Hollywood Blvd. and Vine St. |
| Frank Shea | Hollywood Blvd. and Vine St. |
| George Albright | Hollywood Blvd. and Vine St. |
| Gordon West | Hollywood Blvd. and Vine St. |
| J. C. Lott | Pantages Theatre |
| Don Woodward | Al Levy's |
| John Miner | Hollywood Blvd. and Ivar St. |
| Joe Martin | Hollywood Blvd. and Cahuenga |
| Jim Mangan | Hollywood Blvd. and Cahuenga |
| Harold Lank | Hollywood Blvd. and Cahuenga |
| Angelo Rossitto | Hollywood Blvd. and Wilcox |
| Joe Kahler | Hollywood Blvd. and Wilcox |
| T. R. Lott | Hollywood Blvd. and Hudson |
| Fred Boorde | Hollywood Blvd. and Cherokee |
| Lloyd Raymond | Hollywood Blvd. and Las Palmas |
| John Leonard | Hollywood Blvd. and Highland |
| Fred Levine | Hollywood Blvd and Highland |
| Hymie Brotman | Hollywood Blvd. and Franklin |
| James Taylor | Chinese Theatre |
| Joe Shapiro | Hollywood Blvd. and Sycamore |

## Times-Mirror Exhibit No. 6 (Continued)

**WILLIAM BULKLEY, District Man (Contd.)**

| Hustler | Corner |
|---|---|
| Steve Dolan | Sunset Blvd. and Highland Ave. |
| Harold Doberman | Sunset Blvd. and Highland Ave. |
| Jack Bennett | Sunset Blvd. and LaBrea Ave. |
| Frank Gallin | Sunset Blvd. and Gardner Junc. |
| Anthony Archangel | Sunset Blvd. and Fairfax Ave. |
| Dave Gutterman | Sunset Blvd. and Laurel Canyon |
| Harry Cohen | |
| Verne Mattox | |
| Irving Shapiro | Melrose Ave. and Larchmont |
| Frank Buttigliere | Hollywood Legion Stadium and Olympic Auditorium |
| Dominick Rossi | Hollywood Legion Stadium |
| Hal Davis | Hollywood Legion Stadium |
| Gene Herrington | Hollywood Legion Stadium |
| David Kohn | Hollywood Legion Stadium |
| Jack Travis | Hollywood Legion Stadium |
| Louie Christensen | Hollywood Legion Stadium |

**FRANK CURTIS, District Man**

| | |
|---|---|
| Frank Russel | 9th and Western |
| Cornelia Repetti | Olympic and Western |
| Semi Secki | 3480 W. 8th St. |
| Edward Miller | |
| Gunar A. Nelson | |
| Charles Smith | |
| Joseph P. Curtis | 3rd and Catalina |
| Abe Malcheoff | 9th and Vermont |
| Raymond Contauo | Ambassador Hotel—Elevator Man |
| John Ames | Ambassador Hotel—Elevator Man |
| Bill Loeber | 8th and Normandie |
| Pat Maietta | 3683 Wilshire |
| Fletcher Chaneay | Wilshire and Western |
| Gene Gilbert | Wilshire and Western |
| Theadore E. Miller | Wilshire and Western |
| Morris Karlstein | 6th and Western |
| Jerry Louis | 5th and Western |
| Adolph Ruybal | 3rd and Western |
| Sam Sokov | 8th and Western |
| August Granke | 8th and Vermont |

## TIMES MIRROR EXHIBIT No. 6

**NAMES OF PERSONS, AND LOCATIONS WHERE ENGAGED, IN SELLING LOS ANGELES TIMES (AS OF MAY 1, 1940).**

**B. G. BOGUE, District Man**

| Hustler | Corner |
|---|---|
| Herb. Hosdgdon | Ave. 50 and York Blvd. |
| Herman Anderson | Eagle Rock and Colorado Blvds. |
| Pete Zamzuccuchie | Colorado Rite Spot |
| Ralph Waldhaber | Mission and Fair Oaks |
| Don and Russle Landine | Huntington and Fremont |
| John Daly | Huntington and Eastern |
| Frank Cusick | Old Santa Fe Depot |
| Joshoway Borbby | Whittier and Indiana |
| Nelson Weaver | Whittier and Kern week days |
| | Wit. and Ferris Saturday |
| Ralph Taylor | Whittier and Atlantic—week |
| | 8th and Alvarado—Saturday |
| Earle Brown | Broadway and Daly |
| Robert Reed | Pasadena and Daly |
| Sam Hordison | Ave. 56 and No. Figueroa |
| Henry Ohlhausen | North Figueroa—Rite Spot—week |
| | 6th and Union Saturday night |
| Chas. Peluquin | No. Figueroa and York Blvd. |
| Emmett Lovett | Temple and Broadway |
| Leonard Kluge | Sunset and Main |
| Clifford Duffy | Aliso and Alameda |
| Pete Kelly | Philippe |
| Morris Cramer | 1st and Boyle |
| Charles Goldman | Brooklyn and Soto |
| Phil. Coakley | Whittier and Soto |
| Emma Embling | Whittier and Lorena |
| George Babashoff and | Whittier and Chicago |
| Jack Babashoff | |
| George Mataisz | Whittier and Atlantic |
| Lope Alamillo | 1st and Rowan |
| Bob Tucker | Brooklyn and Chicago |
| Alex Galipeaux | 9th and Boyle |
| Harold London | Whittier and Kern |
| Olive Arnold | 4700 Block on Whittier Blvd. |

## Times-Mirror Exhibit No. 6 (Continued)

**HERBERT DONOGHUE, District Man**

| Hustler | Corner |
|---|---|
| Carlos Gonzales | 1st and Main |
| Louis Zeimet | 1st and San Pedro |
| Betty Mosely | Paris Inn Cafe |
| Raymond Bond | 2nd and Main |
| Robert Keating | 3rd and Main |
| Paul Garnett | 4th and Main |
| Jack Dean | 5th and Main |
| Byron Nelson | 5th and Main |
| Jke Ottensoe | 5th and Spring |
| Jiacimo Guagkardo | 6th and Spring |
| Thomas Goble | 7th and Spring |
| Wm. F. Cottingham | 8th and Spring |
| Leslie Filburn | 7th and Main |
| Wm. Gladwell | 6th and Main |
| Henry Wilson | 6th and Los Angeles |
| John Bartley | 6th and Main |
| John Van Dillon | 5th and Los Angeles |
| Thomas Granez | 5th and Wall |
| Anthony Cantos | 5th and San Pedro |
| John Hitchen | 6th and San Pedro |
| Carl H. Becker | 7th and San Pedro |
| Burt Westcott | 9th and San Pedro |
| Armand Sanchez | 5th and Stanford |
| Alfred Mobley | 7th and Central |
| Thomas Wysocki | |
| Franklin Ried | 7th and Gladys |
| William Smith | |

**MAX DYER, District Man**

| | |
|---|---|
| Samuel Margolis | 7th and Spring—6 days |
| | 7th and Pedro—1 day |
| Ivar Espeland | 7th and Spring |
| Judah Kessler | 6th and Spring |
| Louis Schwartz | 6th and Spring |
| Karsten Thomsen | 6th and Broadway |
| Sew Anycle | 6th and Broadway |
| Cecil Kyle | 6th and Main—6 days |
| | 4th and Main—1 day |

Times-Mirror Exhibit No. 6 (Continued)

MAX DYER, District Man (Contd.)

| Hustler | Corner |
|---|---|
| Earl Cropper | P. E. Depot |
| Edward Smith | 8th and Main |
| Charles Noland | 9th and Main |
| Louis Mailman | 11th and Broadway |
| Charles Brown | 9th and Broadway |
| John McKenzie | 8th and Broadway |
| Christopher Lawn | 7th and Broadway—6 days |
| | 5th and Broadway—1 day |
| Richard Elrod | 7th and Broadway—6 days |
| | 5th and Los Angeles—1 day |
| Mike Kelly | 7th and Broadway—6 days |
| | 2nd and Main—1 day |
| Ed. Henderson | 5th and Towne |
| Emili Dominguez | 7th and Central |
| Roy Maine | 7th and Central |
| Max Domsehke | 7th and San Pedro |
| Robert Smith | 9th and San Pedro |
| Charles Blanchard | 7th and Los Angeles |
| Jack Harris | 7th and Main—6 days |
| | 2nd and Broadway—1 day |
| Frank Smith | 7th and Main |
| Harry Lamont | 5th and Broadway |
| William Fry | 5th and Spring |
| Philip Fisher | Rosslyn Hotel |
| James Curtis | 5th and Main |
| Al Ullman | 5th and Main |
| Frank Baker | 5th and Los Angeles |
| Erma Stewart | 5th and Wall |
| Pete Carlson | 5th and San Pedro—6 days |
| | Y. M. C. A.—1 day |
| William Russell | 6th and Los Angeles |
| Morris Rosenblatt | P. E. Depot. (Inside) |

WM. DYER, District Man

| | |
|---|---|
| Jas. Housey | 1st and Broadway |
| Daniel Zawatsky | 2nd and Broadway |
| Geo. Perez | 2nd and Hill |
| Louis Store | 3rd and Hill |
| John C. Nelson | 3rd and Hill |
| Elbert Rumford | 4th and Hill |

## Times-Mirror Exhibit No. 6 (Continued)

WM. DYER, District Man (Contd.)

| Hustler | Corner |
|---|---|
| Jos. Morse | 4th and Broadway |
| Ralph Schutz | Subway |
| Melvin Spellman | 5th and Hill |
| Herman F. Walters | 5th and Hill |
| Kenneth Quinn | 5th and Hill |
| Robert Walker | 5th and Broadway |
| Ben. Benoit | 5th and Olive |
| Ed. Patch | Biltmore Hotel |
| Irvine Levy | Mayflower Hotel |
| Max Seidl | 6th and Olive |
| Joe Pico | 6th and Grand |
| Fred Jennings | 6th and Hill |
| John Fields | 6th and Broadway |
| Geo. Taggart | 7th and Hill |
| Max Finklestein | 7th and Hill |
| Ralph Goode | 7th and Broadway |
| Lawrence Mathews | 7th and Broadway |
| Phil Russell | 7th and Broadway |
| Wm. Hardwick | 7th and Broadway |
| Fred J. Fischer | 8th and Broadway |
| G. E. Bowman | 9th and Broadway |
| Ed. P. Gussman | 8th and Hill |
| David Russell | 9th and Grand |
| John Faine | 8th and Flower |
| Earl Morehead | 8th and Figueroa |
| Edw. Young | 7th and Figueroa |
| Frank Achelpohl | 6th and Figueroa |
| John Clary | 6th and Flower |
| Raymond Bond | 5th and Figueroa |
| Henry Ziegler | 3rd and Figueroa |
| Al Sorvello | 2nd and Figueroa |
| Bert Young | 3rd and Broadway |
| Ferdinand Vahl | 8th and Hope |
| John Huber | 9th and Figueroa |
| Bill Andrews | 8th and Olive |
| Bud Hansen | 7th and Grand |
| Art Peterson | 7th and Olive |
| George Gillmot | Olymp. and Figueroa |
| Thos. Roeff | Biltmore Hotel |

## Times-Mirror Exhibit No. 6 (Continued)

**LEOPOLD GLASER, District Man**

| Hustler | Corner |
|---|---|
| James O'Connor | Wilshire and LaBrea |
| Irving Lareson | Wilshire and LaBrea |
| Leonard Hollett | Wilshire and LaBrea |
| Frank Murphy | Wilshire and LaBrea |
| Bob Wootan | 6th and LaBrea |
| Eugene Del Rio | Olympic and LaBrea |
| Art Stool | Wilshire and Detroit |
| Gene Lafleur | Wilshire and Cloverdale |
| Peter Hartman | Wilshire and Cochran |
| Manuel Pinsky | Wilshire and Cochran |
| Joe Eno | Wilshire White Spot |
| Wm. Morris | Wilshire and Hauser |
| Chas. Quimby | Wilshire and Fairfax |
| Meyer Tomchin | San Vicente and Fairfax |
| Phil Klein | Palm Market |
| Bert Griffith | Fox Wilshire Theatre |
| William Hyde | Prime Rib Restaurant |
| Bill Gibson | Eaton's Rest, La Cienega |
| Sam Fisher | Wilshire and Robertson |
| Bill Hudson | Wilshire and Doheny Dr. |
| Bill Carter | Ralph's Market, Beverly Hills |
| Mike George | Warner Bros. Theatre |
| Joe Dorlet | Wilshire and Canon Dr. |
| Richard Nicholson | Beverly Dr. and Wilshire |
| Joe Wahovitz | 9th and LaBrea |
| Hugh Dearing | Wilshire and La Cienega |
| Harold Wolfe | Santa Monica and Beverly Drive |
| Lake Vane | Brown Derby, Beverly Hills |
| Al Bartel | Beverly-Wilshire Market |
| Walter Wolfe | Santa Monica and Wilshire |
| Manuel Monte | Santa Monica and Roxbury Drive |
| Marvin Altschuler | Santa Monica and Canon Drive |
| Charles Bizayiff | Loew's Prime Rib Restaurant, La Cienega |
| Harold Fish | Santa Monica and Sawtelle Blvd. |
| Joseph Dubey | Westwood Village |
| Lou Kingland | Village Theatre, Westwood |

Times-Mirror Exhibit No. 6 (Continued)

LEOPOLD GLASER, District Man (Contd.)

| Hustler | Corner |
|---|---|
| Jimmy Wallington | Owl Drug, Westwood |
| Austin Volker | Sontag's Westwood |
| Johnny Holmes | Wilshire and Westwood Blvd. |
| Warren Vermillion | Mrs. Grey's Inn, Westwood |
| Harry Vasquez | Santa Monica and Beverly Glen |
| Peter Vasquez | Pico and Westwood |
| Lester Vasquez | West-Ho Market, Westwood |
| Johnny Lopez | Safeway, Westwood |
| Buster Grady | J. C. Penny, Westwood |
| Billy Volker | Villa Market, Westwood |

LAURENCE MATRANGA, District Man

| | |
|---|---|
| Richard Valentine | Subway |
| Roy Parker | 5th and Hill |
| Joe Rok | 5th and Olive |
| James Jackson | 5th and Grand |
| Herbert Loader | 5th and Figueroa |
| Anthony Glubesee | 3rd and Figueroa |
| Loren Moore | Biltmore Hotel—6 days<br>9th and Figueroa—1 day |
| August Speral | 6th and Olive |
| Abraham Cohen | 6th and Hill |
| David Edwards | (7th and Hill—6 days<br>(9th and Figueroa—1 day. |
| Christen Milkksen | 8th and Hill—6 days;<br>3rd and Hill—1 day. |
| Chris Voalka | 8th and Olive—6 days<br>Subway—1 day |
| Ceicel Echart | 9th and Hill—6 days<br>6th and Broadway—1 day |
| Chas. Porter | 7th and Olive |
| Wm. Marsh | 7th and Grand |
| Chas. Krissrow | 7th and Flower—6 days<br>5th and Olive—1 day |
| Louie Broda | 6th and Grand |
| John Tonkovich | 6th and Flower—6 days<br>7th and Hope—1 day |
| Louis Bueltner | 6th and Figueroa |
| Lester Marion | 7th and Figueroa |

## Times-Mirror Exhibit No. 6 (Continued)

**LAURENCE MATRANGA, District Man (Contd.)**

| Hustler | Corner |
|---|---|
| Geo. Martini | 8th and Figueroa |
| Herman Sandusky | 5th and Hill |
| Pearl Brownell | 7th and Broadway |

**THOMAS McKINNEY, District Man**

| | |
|---|---|
| Salvatore Fasone | Glendale and Fletcher |
| Toby Michel | Riverside and Fletcher |
| Nolan Byrd | San Fernando and Fletcher |
| J. L. Schush | San Fernando and Fletcher |
| Frank White | Brand and San Fernando |
| Robert Rossi | Los Feliz and San Fernando |
| Roy Ely | Los Feliz and Revere |
| Clifford Joy | Los Feliz and Revere |
| Roy Yancy | Brand and Maple |
| Sam Bozigoff | Central and Colorado |
| Fred Duncan | Colorado and Brand |
| Walter Moore | Brand and Broadway |
| Ed Manahan | Brand and Wilson |
| E. J. Nogues | Broadway and Glendale |
| Earl Hern | Glendale and Colorado |
| Wm. Mack | Olive and San Fernando |
| Ray Johnson | Colorado and Verdugo Rd. |
| Thomas Bell | Pacific and Colorado |
| Joseph Dzack | Glendale and California |
| Jack Goodfellow | Glendale and Broadway |
| Berner Moorman | Orange and Broadway |
| Salvador Regaledo | Brand and Wilson |
| Frank Rubino | (Brand between (Wilson and California |
| Bert Wade | Brand and Wilson |
| William Small | Brand, between Wilson and Broadway |
| Leonard Taylor | Brand and California |
| Richard Broom | Brand, between Wilson and California |
| Bill Findley | Brand and Broadway |
| Rufus Findley | Brand and Lexington |
| Charles McBean | Brand and Broadway |

Times-Mirror Exhibit No. 6. (Continued)

**THOMAS McKINNEY, District Man (Contd.)**

| Hustler | Corner |
|---|---|
| Robert Lang | Brand and Harvard |
| Eugene Packer | Brand and Harvard |
| Robert Matchman | Orange and Broadway |
| Bill Stark | Chevy Chase and Central |
| Howard Stark | Palmer and Central |
| Allen Duffey | Central and Vine |
| Robert Anderson | Central, between Harvard and Hawthorne |
| Hal Shannep | Central and Broadway |
| Charles Moorman | California and Central |
| Robert Gilkinson | Orange and Wilson |
| Richard Thompson | Brand and Broadway |
| Charles Matchman | Orange and Wilson |
| Bob McKay | Highland and Glenoaks |
| Dane Moore | 1635 Glenoaks, Glendale |
| Fred Welles | Chevy Chase and Broadway |
| Wendy Rough | Tujunga and Glenoaks |
| Ira Wyatt | Alameda and Victory |
| Carol L. Jones | Glendale Ave. and Los Feliz |
| William Mack | Magnolia and San Fernando |
| Rodolfo Tirre | Olive and San Fernando |
| Nick DeLuca | 6329 San Fernando Rd. |
| Ethbert Brown | Brand and San Fernando |
| Dick Bench | 1126 E. Chevy Chase |
| Paul Sauer | 1104 E. Chevy Chase |
| Orrin Kambertad | Colorado and Chevy Chase |
| Frank Rowan | Colorado and Verdugo |
| Jim Wheeleham | Lexington and Verdugo |
| Bill Hanson | Central and Stocker |
| Charles Brodersen | San Fernando and Grover |
| Wavy Murphy | Orange and San Fernando |
| Fred Saenz | Angeleno and San Fernando |
| Bill Colgan | Tujunga and San Fernando |
| Ralph Hunt | Verdugo and San Fernando |
| Frank Novega | Olive and San Fernando |
| Robert Purrier | Near Alameda and San Fernando |
| Leroy Kelly | Sonora and San Fernando |
| Manuel Madince | Magnolia and San Fernando |
| Dale Guard | Victory and Providencia |
| Lawrence Dyer | Victory and Olive |

Times-Mirror Exhibit No. 6 (Continued)

DANIEL J. MICKMAN, District Man

| Corner | Hustler |
|---|---|
| Jack Forster | Florence and Pacific |
| Mario Campo | Florence and Santa Fe |
| Roy Robbins | Florence and Compton |
| Frank Canada | Florence and Avalon |
| Ernest Bahr | Florence and Broadway |
| Harry Boyd | Manchester and Broadway |
| Angelo Bianchini | 54th and Broadway |
| Baker Silver | Jefferson and Central—5 days |
| | Pico and Main—1 day |
| Arthur James | 42nd and Central |
| Robert McLeod | Vernon and Long Beach |
| Dane Petite | Slauson and Compton |
| John Carter | Slauson and Pacific |
| Harry Rosenberg | Randolph and Pacific |
| Frank Erickson | Clarendon and Pacific |
| Jack Foley | Gage and Pacific |
| Lee Burns | Zoe and Pacific |
| Cornelis Hagan | 12th and Main |
| Ricardo Perez | Washington and Main |
| Joe Wahovicz | Jefferson and Main |
| Margarito Archibeque | Vernon and Broadway |
| Henry Connors | Vernon and Avalon |
| Luis Broguiere | 12th and Central |
| Carlisle Perry | Vernon and Central |
| John Huatow | Washington and San Pedro |
| Joseph Parker | Jefferson and Central |
| Bill Ortiz | 61st and Broadway |
| Mrs. Etta Wien | 51st and Broadway |
| Tom Enright | 47th Place and Broadway |
| Ruben Cordova | 46th and Broadway |
| Manuel Lopez | Vernon and Broadway |
| Albert Allen Greenberg | Vernon and Main |
| Earnest Escovar | Jefferson and San Pedro |
| William Alfred Verrine | 46th and Broadway |
| Dave Kadesh | Manchester and Broadway |

Times-Mirror Exhibit No. 6 (Continued)

WILLIAM MOORE, District Man

| Hustler | Corner |
|---|---|
| Armando Armijo | Beverly and Alvarado |
| Dennes Bohnan | 4667 Beverly |
| Paul O. McLachlan | 1st and Vermont |
| MacRae, H. B. | Gaston's, 7517 Beverly Blvd. |
| Roy Swink | Beverly and Vermont |
| Ed Cook | Beverly and Vermont |
| Joe Powell | Beverly and Vermont |
| Orlando Lopez | Beverly and Vermont |
| Don Voris | 3rd and LaBrea |
| Bob Mijens | Beverly and LaCienega Blvd. |
| Rosebud Sampson | 470 S. Fairfax (Soft Ball Park) |
| Ike Reich | 3rd and Fairfax |
| Larry Kelly | Beverly and Fairfax |
| Clarence A. Horner | Beverly and Fairfax |
| F. Mahoney | 3rd and Robertson |
| E. Konigsberg | Beverly and Fairfax |
| Marshall Koploy | Hollywood Stadium Ball Park |
| Jerry Flier | Hollywood Stadium Ball Park |
| Leonard Shumacher | Hollywood Stadium Ball Park |
| M. Horowitz | Hollywood Stadium Ball Park |
| J. Larsen | Hollywood Stadium Ball Park |
| James Nagy | Hollywood Stadium Ball Park |
| Luis Martinez | Hollywood Stadium Ball Park |
| Seymour Lieb | Hollywood Stadium Ball Park |
| Perry Lee Wade | Santa Monica and Highland |
| Bill Bell | Santa Monica and LaBrea |
| Larry Baldwin | Melrose and LaBrea |
| Howard Dupuis | Hollywood Stadium Ball Park |
| Frank Kaminsky | LaBrea and Oakwood |
| Frank Lange | Melrose Market, 7355 Melrose Ave. |
| Theodore Auguest | Beverly White Spot, 7266 Beverly |
| Bill Morgan | Beverly and LaBrea |
| Norman Blair Woodson | Best Food Market, Beverly Blvd. |
| Adolph Restau | Beverly and Western |
| James S. Stacy | Beverly and Western |
| George A. Gross | Beverly and Western |
| Joe Adams | Beverly and Western |

Times-Mirror Exhibit No. 6 (Continued)

WILLIAM MOORE, District Man (Contd.)

| Hustler | Corner |
|---|---|
| W. C. Palmquist | Ralph's Market, Western |
| Percy Shelley | Beverly and Larchmont |
| Carl Johnson | Melrose and Highland |
| Leo Bran | Pellos Market, 403 N. Fairfax |
| John Busquet | Melrose and Fairfax |
| N. F. Yoder | Santa Monica and Fairfax |
| A. J. Sikorsky | Pan Pacific Auditorium |
| Thos. J. Lorell | Melrose and LaCienega |
| Emil Weister | 508 Doheny Drive |
| W. C. Glaze | Beverly and Robertson |
| Richard L. Frost | 3rd and LaCienega |
| George Hendrickson | Melrose and LaBrea |
| Hyde Jenkins | 3rd and LaBrea |
| John King | 9095 Santa Monica Blvd. |

JACK SHEMARIA, District Man

| | |
|---|---|
| Ed. F. Richards | Jefferson and Vermont |
| Alfred Moline | 39th and Vermont |
| Frank White | 39th Place and Vermont |
| Bert Louis | Santa Barbara and Vermont |
| Louis Fredte | Santa Barbara and Vermont |
| Tom Shearer | Santa Barbara and Vermont |
| Claude Warburton | Vernon and Vermont |
| Leonard Rosenbaum | 48th and Vermont |
| David Menkes | Washington and Hoover |
| David Keream | Washington and Hoover |
| James Cochran | Washington and Vermont |
| C. W. Rardin | Washington and Vermont |
| Irwin Purman | 24th and Vermont |
| Arthur Stone | Adams and Vermont |
| Clarence Cope | Washington and New England |
| Ed Varon | 31st and Vermont |
| Oscar Bordner | Pico and Georgia |
| Joe Sarter | Pico and Alvarado |
| Loui Condiotti | Pico and Arapahoe |
| Max Greenwold | Pico and Vermont |
| Joe Venuti | Pico and Vermont |
| Irwin Varon | Pico and Vermont |

Times-Mirror Exhibit No. 6 (Continued)

JACK SHEMARIA, District Man (Contd.)

| Hustler | Corner |
|---|---|
| Charles Padgett | Pico and Vermont |
| Ed Saldivar | Venice and Vermont |
| John Jones | 54th and Vermont |
| Stanley Trager | 54th and Vermont |
| Louis Fredte | Vernon and Vermont |
| Morton Miller | Slauson and Vermont |
| Charles Bilyk | Florence and Vermont—1 day |
| | Slauson and Vermont—6 days |
| Charles Burges | Florence and Vermont |
| Russel Carson | Pico and Figueroa |
| August Sperl | Pico and Flower |
| Ottavio Ciarletta | Pico and Hope |
| Charlie Goodin | Venice and Figueroa |
| Elban Chelton | Washington and Figueroa |
| Joe Bojorquez | 27th and Figueroa |
| C. J. DePotuy | Adams and Grand |
| George Miller | Jefferson and Grand |
| Harry D. Drake | Jefferson and Figueroa |
| Tom Stephens | 35th and Figueroa |
| Harry Sweet | Flower and Figueroa |
| George Smith | Santa Barbara and Figueroa |
| H. W. Cunningham | 42nd and Figueroa |
| Hector Ortega | Vernon and Figueroa |
| Ingwald Munson | Slauson and Figueroa |
| Russel Carson | Florence and Figueroa |
| M. B. Good | Pico and Figueroa |
| Jack Cole | Santa Barbara and Figueroa |
| Edie Zavala | Florence and Vermont |
| John Allen | Florence and Figueroa |
| Emmett Longstaff | Manchester and Vermont |

HEATH SMITH, District Man

| | |
|---|---|
| Mark Hardin | Sunset Blvd. and Echo Park Ave. |
| Sam Kurtz | Sunset Blvd. and Echo Park Ave. |
| Peter Buttigliere | 3rd and Olive |
| Geo. W. Parmer | 3rd and Grand |
| Alex Rudolf | Sunset Blvd. and Figueroa |
| Isaac Arouh | Temple and Centennial |

Times-Mirror Exhibit No. 6 (Continued)

HEATH SMITH, District Man (Contd.)

| Hustler | Corner |
|---|---|
| Angie Kalb | Temple and Beaudry |
| Alfred Venegas | Temple and Belmont Ave. |
| Albert Nave | Bon Ton Market, Sunset Blvd. |
| Ed. Bowles | Sunset Blvd. and Silverlake Ave. |
| Leo Melowick | Sunset and Griffith Park |
| Jack Lipson | Sunset Blvd. and Griffith Park |
| Don Smith | Sunset Blvd. and Alvarado |
| Benny Berman | Sunset Blvd. and Alvarado |
| Lewis Monico | Sanborn Jct. Sunset Blvd. and Santa Monica Blvd. |
| Robert Drayton | Sunset Blvd. and Vermont Ave. |
| Marvin Doberman | Fountain Ave. and Vermont Ave. |
| Herman Grender | Santa Monica and Vermont |
| Harold Drapkin | Santa Monica and Vermont |
| Harvey Elkin | Vermont and Burns Ave. |
| Lee Barry | Santa Monica and Western |
| Cyril Emett | Santa Monica and Western |
| Raymond Tipton | Santa Monica and Western |
| Arthur Jackson | Santa Monica and Western |
| Bernard Cutler | Santa Monica and Western |
| Earle Waggner | Melrose and Western |
| Archie Mcdougall | Melrose and Van Ness |
| Robert Burns | Melrose and Heliotrope |
| Frank Wahl | Hollywood and Western |
| Alan Manning | Franklin and Bronson |
| T. L. Richards | Hollywood and Gower |
| George Krug | Sunset and Gower |
| George O'Brien | Sunset and Bronson |
| Frank Kurtz | Sunset and Gower |
| James Deutsch | Sunset and Western |
| [This man (James Deutsch) is on Times' payroll, receiving $12.60 per week.] | |
| Porfirio Vasquez | Sunset and Western |
| Sidney Goldstein | Vista and Sunset |
| Frank Abadino | Hollywood and Vermont |
| Marvin Greenburg | Prospect and Vermont |
| Laurence Weisman | Kingswell and Vermont |
| Bradley Gelino | Montana and Vermont |

## Times-Mirror Exhibit No. 6 (Continued)

**HEATH SMITH, District Man (Contd.)**

| Hustler | Corner |
|---|---|
| Arthur Martin | Franklin and Vermont |
| Clyde Derryberry | Hollywood and Normandie |
| William Nichols | Hollywood and Western |
| Robert Olmstead | Melrose and Vermont—6 days<br>Sunset and Silverlake—1 day |
| Seymour Taulman | Melrose and Vermont |

**WALTER VERRY, District Man**

| | |
|---|---|
| John Pendergast | Pico and Western |
| R. Eley | Pico and Western |
| A. H. King | Pico and Norton |
| Frank Shortess | Pico and Crenshaw |
| A. Gerhard | Pico and Rimpau |
| Edward Meyers | Pico and LaBrea |
| Albert Torres | Pico and Houser |
| Herman Davis | Pico and Redondo Saturday<br>Washington and Rimpau daily |
| Don Gordon | Pico and La Cienega |
| Dave Allen | Pico and Robertson |
| Eddie Kehoe | Washington and Western |
| John Brad | Washington and Arlington |
| Stanley M. Stern | Washington and Crenshaw |
| Will not give his name because he receives a pension from somewhere | Adams and Normandie |
| George Badden | Adams and Normandie |
| Emery Rasmusson | Adams and Western |
| Michial O'Brien | Adams and Western Saturday<br>Pico and LaBrea daily |
| Herman Osterndorf | Jefferson and Arlington |
| Phillip Tells | 39th and Western |
| Edward M. Wiseman | Santa Barbara and Western |
| William Taylor | Vernon and Western |
| D. J. Robertson | Vernon and Western |
| Edward Vogt | 54th and Western |
| Jack Pairry | Slauson and Western |

## Times-Mirror Exhibit No. 6 (Continued)

**WALTER VERRY, District Man (Contd.)**

| Hustler | Corner |
|---|---|
| Jack Proctor | Florence and Western daily<br>Jefferson and Arlington Saturday |
| Wm. B. Prowse | Slauson and Crenshaw |
| Edward Brown | 54th and Crenshaw |
| Meyer Bendat | Leimert Park or 43rd and Crenshaw |
| Tom Wilson | Adams and Crenshaw |
| Gustave A. Rose | 48th and Western |
| James Harrington | |
| George Loften | Jefferson and Western |
| Ned Mortier | 54th and Western |

**ALLAN WESTENHISER, District Man**

| | |
|---|---|
| Jesse Mario | 1st and Spring |
| Ricardo Robrionz | 1st and Main |
| Daniel Duron | Post Office |
| Marie Unger | T. Broadway |
| Charlie Unger | T. Broadway |
| Warren Evans | 1st and Broadway |
| Harold Stout | 2nd and Broadway |
| Charlie Steele | 2nd and Hill |
| Jim Hark | 3rd and Hill |
| Manual Duran | 4th and Hill |
| Larry Douglas | 4th and Main |
| Walter Stoermer | 4th and Spring |
| Patrick Biggs | 4th and Broadway |
| Henry Schultz | 3rd and Broadway |
| Charlie Hart | 3rd and Spring |
| Clint Bentley | 3rd and Main |
| Carl Witt | 2nd and Main |
| Ben Elmers | 2nd and Spring |
| Oscar Moler | County Jail |

## TIMES MIRROR EXHIBIT No. 7

### TABLE SHOWING PERCENTAGE OF DAILY OUT-OF-STATE SALES TO TOTAL AVERAGE DAILY NET PAID CIRCULATION

| Year | Average Net Paid Circulation | Out-of-State Sales | Percentage Out-of-State Sales to Total |
|---|---|---|---|
| 1939 | 220,266 | 3,935 | 1.7 |

### TABLE SHOWING PERCENTAGE OF SUNDAY OUT-OF-STATE SALES TO TOTAL AVERAGE SUNDAY NET PAID CIRCULATION

| Year | Average Net Paid Circulation | Out-of-State Sales | Percentage Out-of-State Sales to Total |
|---|---|---|---|
| 1939 | 367,814 | 9,197 | 2.5 |

### TABLE SHOWING PERCENTAGE OF DAILY STREET SALES TO TOTAL AVERAGE NET PAID CIRCULATION (DAILY)

| Year | Total Net Paid Circulation | Street Sales | Percentage Street Sales to Total |
|---|---|---|---|
| 1939 | 220,266 | 13,958 | 6.3 |

### TABLE SHOWING PERCENTAGE OF SUNDAY STREET SALES TO TOTAL AVERAGE NET PAID SUNDAY CIRCULATION

| Year | Total Net Paid Circulation | Street Sales | Percentage Street Sales to Total |
|---|---|---|---|
| 1939 | 367,814 | 31,720 | 8.7 |

## TESTIMONY

United States of America
Before the National Labor Relations Board
Twenty-First Region

Case No. XXI-R-927

In the Matter of

STOCKHOLDERS PUBLISHING CO., INC.,
and

LOS ANGELES NEWSBOYS LOCAL INDUSTRIAL UNION NO. 75, C. I. O.

Case No. XXI-R-928

In the Matter of

HEARST PUBLICATIONS, INC., (Los Angeles Evening Herald & Express Department),
and

LOS ANGELES NEWSBOYS LOCAL INDUSTRIAL UNION NO. 75, C. I. O.

Case No. XXI-R-1062

In the Matter of

TIMES-MIRROR COMPANY
and

LOS ANGELES NEWSBOYS LOCAL INDUSTRIAL UNION NO. 75, C. I. O. [1*]

*Page numbering appearing at top of page of original certified Transcript of Record.

Case No. XXI-R-1084

In the Matter of

HEARST PUBLICATIONS, INC., (Los Angeles Examiner Department)

and

LOS ANGELES NEWSBOYS LOCAL INDUSTRIAL UNION NO. 75, C. I. O.

Room 810, United States Post Office and Court House Building,
Los Angeles, California,

Monday, June 10, 1940

Met, pursuant to notice, at 9:30 o'clock a. m.

Before:

Thomas H. Kennedy, Trial Examiner.

Appearances:

Frank A. Mouritsen, Attorney on behalf of the National Labor Relations Board.

L. B. Binford and Howard M. Binford, appearing on behalf of Stockholders Publishing Co., Inc., 606 South Hill Street, Los Angeles, California.

Flint & MacKay, by Edward L. Compton and Donald W. Hamblin, 458 South Spring Street, Los Angeles, California, appearing on behalf of Hearst Publications, Inc., Los Angeles Evening Herald & Express Department.

Lawler, Felix & Hall, and A. L. Mitchell, by John M. Hall, Marcus Mattson, 605 West Tenth Street, Los Angeles, California, appearing on behalf of Hearst Publications, Inc., Los Angeles, Examiner Department. [2]

Cosgrove & O'Neil, by T. B. Cosgrove and F. B. Yoakum, Jr., 458 South Spring Street, Los Angeles, California, appearing on behalf of the Times Mirror Company.

Pat Comorre and Roy Eley, appearing on behalf of Los Angeles Newsboys Local Industrial Union No. 75, C. I. O. [2-A]

PROCEEDINGS

Trial Examiner Kennedy: The hearing will be in session.

This is a formal hearing in the matter of Stockholders Publishing Company, Inc., Case No. XXI-R-927; Hearst Publications, Inc., Los Angeles Evening Herald & Express Department, Case No. XXI-R-928; Times-Mirror Company, Case No. XXI-R-1062; and Hearst Publications, Inc., Los Angeles Examiner Department, Case No. XXI-R-1084, before the National Labor Relations Board.

Counsel have stated their appearances for the record and I have the following appearances in that connection.

In the case of XXI-R-927, the Petitioner is Newsboys Local Industrial Union No. 75, Los Angeles, California, C.I.O., represented by Pat Comorre and Roy Eley, 212 West Third Street, Los Angeles, California.

The company involved is the Stockholders Publishing Company, Inc. The address is 1271 South Los Angeles Street, represented by Messrs. L. B. Binford and Howard M. Binford, [4] attorneys at law, 1208 Hollingsworth Building, Sixth and Hill Streets, Los Angeles, California.

In case No. XXI-R-928, the company involved is Hearst Publications, Inc., Los Angeles Evening Herald and Express Department. The Petitioner

is the same as in Case No. XXI-R-927, and the representation of that Petitioner is the same. The company is represented by H. S. MacKay, Jr., Edward L. Compton, and Donald W. Hamblin, attorneys at law, 1232 Rowan Building, Los Angeles, California. The address of the company is 1243 Trenton Street, Los Angeles, California.

The company involved in Case No. XXI-R-1062 is the Times-Mirror Company. The address of that company is 202 West First Street, Los Angeles, California. It is represented by Cosgrove and O'Neil, by T. B. Cosgrove and F. B. Yoakum, Jr., attorneys at law, 1030 Rowan Building, Los Angeles, California. The petitioner in this case is the same as in Case No. XXI-R-927, and the representation of the Petitioner is the same as in that case.

In Case No. XXI-R-1084, the company involved is Hearst Publications, Inc., Los Angeles Examiner Department. The address of the company is 11th and Broadway, Los Angeles, California. It is represented by Messrs. Lawler, Felix & Hall and A. L. Mitchell, attorneys at law at 800 Standard Oil Building, Los Angeles, California. Those present in the court room are John M. Hall and Marcus Mattson. The [5] Petitioner is the same as in case No. XXI-R-927, and the representation of the Petioner is the same as in that case.

Counsel for the Board is Mr. Frank A. Mouritsen.

The Trial Examiner appearing for the National Labor Relations Board is Thomas H. Kennedy. [6]

The following statement is made to assist the parties in their presentation of evidence bearing on the issues:

In relation to the Board's investigation concerning the selection of representatives for the purposes of collective bargaining in this case, it is desired at the outset to make clear the position of the Trial Examiner and the Board's attorney. The sole objective of the Board's officers here is to obtain a full and complete factual record upon which the Board itself may discharge its duties under Section 9 of the National Labor Relations Act.

It is the duty of the Trial Examiner to see that the record is full enough to contain all the material evidence but to limit the testimony and refuse to permit the introduction of evidence which is not material and relevant. His discretion is limited by this duty with which he is charged. Your attention should also be called to the fact that in this type of case as distinguished from a case where the employer is charged with the commission of unfair labor practices in violation of the Act, the Trial Examiner does not render an intermediate report to the parties. The case goes directly to the Board for decision.

In general, the Board's attorney will present evidence bearing upon the question of the Board's jurisdiction over the parties and the subject matter of the investigation while the representatives of the other parties will be expected, [8] with the assistance of the Board's officers, if necessary, to

present evidence upon the remaining issues. The services of the Board's officers are equally at the disposal of all parties to the proceeding in developing such material evidence.

We shall inquire as to factors which help to answer the question of what is the appropriate bargaining unit, including the history of organizational efforts in the plant. We shall seek information about the nature of the question affecting commerce.

The evidence should disclose, as to the labor organizations involved, their identity, time of formation and general structure, including data as to eligibility of members, with particular reference to the employer here concerned. The time when organization began, the department or group of employees affected, the subsequent growth or decline of membership, present claims as to membership, and relations had with the employer, including the presence or absence of contracts, are all of importance. Information is also desired as to the date as of which the payroll of eligible voters should be taken, for purposes of election or certification.

In considering the appropriate unit for purposes of collective bargaining, the proof should reveal the physical properties involved, a detail breakdown of the nature of work [9] performed by employees as well as an analysis of the numbers of employees engaged in each type of work. The presence or absence of craft organizations should be established,

as well as evidence submitted on the identity or differentiation of employees' problems as to wages, hours, or working conditions. The past and present history of units used by the employer or by the industry in employee relationship should be disclosed.

Finally, the nature of the problem affecting commerce should be shown by proof as to whether conflicting claims as to representation are being made, or whether the employer questions the representative status of any of the parties.

These suggestions are of necessity not all-inclusive. They may, however, serve to guide the parties to a full and complete factual presentation in which the Board's officers here will, in an entirely neutral capacity, assist. The cooperation of all in order to get these facts as expeditiously as possible is requested.

Now, it is customary for the Board's attorney to present the first formal papers at this time, and I will ask him to do so.

Mr. Mouritsen: Mr. Examiner, I at this time offer the formal pleadings filed in this matter as Board's Exhibit 1, with the appropriate subdivisions as a unit;

As Board's Exhibit 1(a), a copy of the Rules and [10] Regulations, Series 2 as Amended, effective March 13, 1940;

As Board's Exhibit 1(b), the original petition filed in the matter of Stockholders Publishing Company, Inc., XXI-R-927; the jurat bears date April 18, 1939;

As Board's Exhibit 1(c), the original petition filed in the matter of Hearst Publications, Inc., Los Angeles Evening Herald & Express Department, XXI-R-928; jurat bears date April 18, 1939;

As Board's Exhibit 1(d) the amended petition filed in the matter of Stockholders Publishing Company, Inc., jurat bearing date June 12, 1939;

As Board's Exhibit 1(e), the order directing investigation and hearing in the matter of Stockholders Publishing Company, Inc., No. XXI-R-927.

Trial Examiner Kennedy: That is dated March 27th?

Mr. Mouritsen: That is dated July 31, 1939.

As Board's Exhibit 1(f), the amended petition filed in the matter of Hearst Publications, Inc., Los Angeles Evening Herald & Express Department; the jurat bears date February 5, 1940;

As Board's Exhibit 1(g), the original petition filed in the Times-Mirror Company, Case No. XXI-R-1062, the jurat bearing date March 18, 1940;

As Board's Exhibit 1(h), the order of the Board [11] directing investigation and hearing and consolidating cases, XXI-R-927, XXI-R-928, XXI-R-1062, bearing date March 27, 1940;

As Board's Exhibit 1(i), the original notice of hearing in the consolidated matters just enumerated, bearing date April 12, 1940;

As Board's Exhibit 1(j), the affidavit of service of the Notice of Hearing, Petitions and Amended Petitions, order directing investigation and consolidation, and a copy of the Rules and Regulations;

As Board's Exhibit 1(k), two sheets to which are attached registered return receipts of the United States Post Office Department, showing receipt of the documents mentioned in the affidavit of service;

As Board's Exhibit 1(l), the original petition filed in the matter of Hearst Publications, Inc., Los Angeles Examiner Department; the jurat bearing date May 10, 1940;

As Board's Exhibit 1(m), the amended notice of hearing dated May 15, 1940;

As Board's Exhibit 1(n), the affidavit of service of the amended notice of hearing; the jurat bearing date May 15, 1940;

As Board's Exhibit 1(o), two sheets to which are attached registered return receipts of the United States Post Office Department, showing receipt of the amended notice of hearing; [12]

As Board's Exhibit 1(p), the amended petition filed in the matter of the Times-Mirror Company, XXI-R-1062; jurat bearing date June 4, 1940;

As Board's Exhibit 1(q), an affidavit of service of the amended petition in the Times-Mirror matter, XXI-R-1062, upon Cosgrove & O'Neil, for the Times-Mirror Company, the jurat bearing date June 6, 1940;

As Board's Exhibit 1(r), a motion to dismiss petition for investigation and certification of representatives pursuant to Section 9(c) of the National Labor Relations Act, filed by Cosgrove & O'Neil in the matter of the Times-Mirror Company, XXI-R-1062, dated June 4, 1940;

As Board's Exhibit 1(s), an answer filed by the

Times-Mirror Company in the matter of XXI-R-1062, the verification of said answer bearing date June 4, 1940;

As Board's Exhibit 1(t), the order of the Board dated June 5, 1940, consolidated cases XXI-R-927, XXI-R-928, XXI-R-1062 and XXI-R-1084;

As Board's Exhibit 1(u), the notice of hearing dated June 5, 1940, of all four consolidated cases;

As Board's Exhibit 1(v), the affidavit of service of the notice of hearing dated June 5, 1940, together with copies of all petitions and amended petitions in the above consolidated matters, upon Felix, Lawler & Hall, counsel for Hearst Publications, Inc., Los Angeles Examiner Depart- [13] ment;

As Board's Exhibit 1(w), an affidavit of service of the notice of hearing dated June 5, 1940, together with copies of all Petitions and Amended Petitions, and Rules and Regulations, Series 2, as Amended, the jurat bearing date June 6, 1940;

As Board's Exhibit 1(x), a single sheet, to which is attached a number of registered mail return receipts, showing receipt of the notice of hearing as aforesaid;

As Board's Exhibit 1(y), the second amended petition filed in the matter of Stockholders Publishing Company, Inc., XXI-R-927, the jurat bearing date June 6, 1940;

As Board's Exhibit 1(z), an affidavit of service of the second amended petition in case XXI-R-927, upon L. B. Binford as counsel for the Stockholders Publishing Company, Inc.;

As Board's Exhibit 1(aa), the single sheet to which is attached return receipt of the United States Post Office Department, showing receipt of said second amended petition in the matter of Stockholders Publishing Company, Inc.;

As Board's Exhibit 1(bb), the second amended petition filed in the matter of Hearst Publications, Inc., Los Angeles Evening Herald & Express Department, XXI-R-928, jurat bearing date June 6, 1940;

As Board's Exhibit 1(cc), a motion to dismiss amended [14] petition for investigation and certification of representatives pursuant to Section 9(c) of the National Labor Relations Act, in the matter of Hearst Publication, Inc., Los Angeles Evening Herald & Express Department, Case No. XXI-R-928, dated June 6, 1940.

And with relation to this particular document filed by Mr. Compton, the Board is willing to and offers the stipulation that the motion shall apply to the second amended petition filed in this matter.

Mr. Compton: We accept that stipulation.

Mr. Mouritsen: As Board's Exhibit 1(dd), a stipulation filed in the matter of the Times-Mirror Company, XXI-R-1062, re applicability of motion to dismiss and answer to amended petition for investigation and certification of representatives dated June 6, 1940;

As Board's Exhibit 1(ee), an affidavit of service of a copy of the order directing investigation and hearing and consolidating cases in Stockhold-

ers Publishing Company, Inc., et al, XXI-R-927, XXI-R-928, XXI-R-1062, and XXI-R-1084, the jurat bearing date June 5, 1940.

I note, Mr. Examiner, that the registered mail return receipts indicating service of this order directing the consolidation of all these four cases were not returned. These were served on, or were sent, at least, to counsel for the Respondents, and that is Cosgrove & O'Neil, Flint [15] and MacKay, Lawler, Felix & Hall, Binford and Binford. Would counsel be willing to stipulate at this time that they are in receipt of such documents?

Mr. Cosgrove: Cosgrove and O'Neil will so stipulate.

Mr. L. B. Binford: L. B. Binford and Howard M. Binford will so stipulate.

Mr. Compton: Flint & MacKay will so stipulate.

Mr. Hall: Lawler, Felix and Hall and A. L. Mitchell so stipulate.

Mr. Mouritsen: Thank you.

As Board's Exhibit 1(ff), a motion to dismiss petition for investigation and certification of representatives pursuant to Section 9-C of the National Labor Relations Act, filed by Binford and Binford in the matter of Stockholders Publishing Company, Inc., Case XXI-R-927, dated June 7, 1940.

Mr. L. B. Binford: May we, Mr. Mouritsen, have a similar stipulation with reference to the same being applicable to the final amended petition?

Mr. Mouritsen: Yes, so stipulated.

As Board's Exhibit 1(gg), the answer filed by Binford and Binford in the matter of Stockholders Publishing Company, Inc., Case No. XXI-R-927, dated June 7, 1940;

As Board's Exhibit 1(hh), the certified copy of the Board's order designating Thomas H. Kennedy to act as Trial [16] Examiner in these consolidated matters.

At this time, Mr. Examiner, I desire to offer the documents I have enumerated as Board's Exhibit 1, and move their admission.

Trial Examiner Kennedy: Any objection?

Mr. Cosgrove: No objection, your Honor.

Trial Examiner Kennedy: There being no objection, they will be received in evidence. [17]

Trial Examiner Kennedy: Are we ready to proceed, gentlemen? The hearing will be in session.

Mr. Mouritsen: Mr. Examiner, during the recess, counsel for the Board and counsel for the various companies have dis- [22] cussed a method of operating during the hearing, and I will state what I understand the method of operation to be that we have agreed upon, and if I am incorrect, I will ask counsel for the companies to state what they understand.

I have outlined to counsel the method by which the Board proposes to proceed in this matter, having been requested by the Union to assist them in the presentation of the material they have to offer; and that is, that first the matter of the peti-

tion regarding the Los Angeles Evening Herald & Express Department of the Hearst Publications, Inc., will be gone into, the various points that are outlined in the petition; then the matter of the Stockholders Publishing Company will be considered.

Next, the matter of the Times-Mirror Company, and lastly the Los Angeles Examiner Department of Hearst Publications, Inc.

I have outlined to counsel the fact that it might be desirable, or they might desire to not be present, or that they might have other matters they desire to attend to while other phases of the matter are being considered.

For example, the Los Angeles Herald and Express will be a case of its own, and during the time while that matter is being presented, counsel for the Times and for the Examiner would have, so to speak, no right to participate in the offer of objections or to restrict testimony in that case, inasmuch [23] as the individual cases will be considered on the matters involving each company and will not depend one upon the other.

Trial Examiner Kennedy: Are you certain about that situation? The cases have been consolidated, have they not, Mr. Mouritsen?

Mr. Mouritsen: That is correct. However, as I understand the consolidation, it is merely one of convenience. The petitions in each instance refer only to the particular company.

Trial Examiner Kennedy: Well, are you cer-

tain that that is the situation? You remember we are making a record here and the people in Washington are going to review it. They are not hearing the case, and the order for consolidation was merely an order to consolidate the hearing. Or does it consolidate the entire record?

Mr. Mouritsen: Well, I think, of course, that could best be determined by examining the order of the Board in that matter.

Trial Examiner Kennedy: Yes. Let's take a look at that.

Mr. Mouritsen: That is Board's Exhibit 1(t).

Trial Examiner Kennedy: June 5, 1940; isn't that the last order?

Mr. Mouritsen: That is correct, yes. [24]

Trial Examiner Kennedy: I will say that the order says the cases are consolidated. I want you to take full notice of that, and if the Board's attorney is in position to stipulate for the Board and bind the Board on that matter, that is one thing. I wonder if you have authority to do that, Mr. Mouritsen?

Mr. Mouritsen: No. I may state that I have no authority to do that, but I have merely stated what I understand the situation to be. However, I desire to point out, Mr. Examiner, in support of that conclusion, that the facts regarding the operations of these newsboys differ materially between papers.

Trial Examiner Kennedy: I know it has never been the practice in cases where matters have been

consolidated—I do not know that I can recall a representation case, but I can complaint cases, where we have different respondents, entirely different situations and where the cases are consolidated it is possible to get them back into one phase of the case to support the contentions in another phase of the case, and that sort of thing.

Now, if everyone is apprised of that situation and is willing to proced the way counsel states the matter, no one is going to be prejudiced, and my understanding is that the cases are consolidated, and that to all intents and purposes it is one case; and from there on out you can agree to [25] proceed in any way you see fit.

Mr. Mouritsen: Well, I have suggested to counsel that it would be the procedure that we will consider first the matter of the Herald & Express, all matters outlined in the petition; that then we proceed to the Stockholders Publishing Company and the Times-Mirror, and lastly, the Los Angeles Examiner Department of Hearst Publications, Inc.

Trial Examiner Kennedy: Well, I think that would be the more desirable way to proceed, because it makes the record much simpler to handle for all concerned.

However, I think it is not quite proper to say that the Los Angeles Examiner, for example, has no interest in the case involving the Stockholders Publishing Company, and would not have the right to cross examine, and so forth, as to that phase of the case. I do not agree with you on that. If

the representatives of those organizations understand that, and will forego the right to participate, that is their lookout.

Mr. Mouritsen: Then our understanding, gentlemen, will have to be amended in the manner in which the Trial Examiner considers the matter.

Trial Examiner Kennedy: Yes.

Mr. Mouritsen: At this time, Mr. Examiner—

Mr. Cosgrove (Interrupting): May we have just a minute to confer here? We have not arrived at any conclusion as to what counsel for the Board has suggested, and if it is [26] agreeable, we will take just a minute among ourselves.

Trial Examiner Kennedy: Well, we will grant a short recess. I might ask you off th record at this time, is there any estimate as to the length of the hearing? Has anyone an idea about that?

Mr. Mouritsen: Well, I could state this, Mr. Examiner: I anticipate that it will take about two days to present the material that has been gathered regarding the Herald Express; that it will take shorter than that time to present the information regarding the Stockholders Publishing Company since they are more or less related, as the Trial Examiner will see, as we proceed; and I anticipate perhaps a day and a half for the other two.

Trial Examiner Kennedy: That is, you are talking about the union's case?

Mr. Mouritsen: That is correct.

Trial Examiner Kennedy: I see.

Now, do counsel for the companies have any idea

as to how long it will take them to put in their case?

Mr. Compton: I think it will depend entirely upon the Board's case. I do not think we can even make a guess as to the time.

Trial Examiner Kennedy: All right. We will be in recess for a short time.

(At this point a short recess was taken, after which [27] proceedings were resumed, as follows:)

Trial Examiner Kennedy: The hearing will be in session.

Mr. Cosgrove: If the Examiner please, we have conferred among ourselves and with counsel for the Board, and we submit for your consideration that we should proceed along the lines suggested by the Examiner, and that because the order of consolidation went out pursuant to a suggestion of consolidation by counsel for the Board, who, after study of the local situation thought that the time consumed in the presentation of the evidence would be very considerably shortened and simplified if the matters were considered as separate cases; that during the course of the day, and during the noon recess he might get in touch with the Washington authorities to see if they wished to make any more definite than is contained in the order their intention in that regard, and if they do, that might be called to the attention of the Examiner in the morning and in the meantime we would be proceeding.

Mr. Mouritsen: I would be happy to do that.

Trial Examiner Kennedy: If that is so, then in view of the difference in time—do you intend to call Washington, Mr. Mouritsen?

Mr. Mouritsen: Well, I thought I could outline the situation in a telegram and request that they inform us. [28]

Mr. Mouritsen: At this time, Mr. Examiner, I desire to offer as Board's Exhibit 2 an agreed statement of facts regarding the operations of the Los Angeles Evening Herald and Express Department of Hearst Publications, Inc., so far as they bear upon the jurisdiction of the Board. This stipulation has previously been signed by counsel for Hearst Publications, Inc., Los Angeles Evening Herald and Express Departments and counsel for the Board.

Trial Examiner Kennedy: Any objection?

Mr. Cosgrove: The Times-Mirror Company objects to the receipt of the document in evidence insofar as it has any application, real or contended, to the Times-Mirror Company case. [29]

Mr. Cosgrove: If the Examiner please, to comply with the rule that we assign at the time of the objection, the reason in support of the objection, I will say, as, of course, is apparent to the Examiner, that the document is a stipulation to which the Times-Mirror Company is not a party and does not relate to any transaction in which the Times-Mirror Company has participated. [30]

WILLIAM J. HARRISON

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

Trial Examiner Kennedy: Your full name is what, please?

The Witness: William J. Harrison.

Mr. Cosgrove: May I interrupt in the matter of economy of time? We are hopeful that as a result of the communication with Washington that we will be relieved of the necessity of making constant objections, Your Honor, and would it be agreeable to the Examiner if instead of objecting to questions as this witness is asked as we go along, having in mind, as we are presently advised, his examination will relate entirely to the Herald and have no reference to the Los Angeles Times, that we defer any objection until the close of his testimony and then make one objection at that time to strike with reference to the Los Angeles Times.

Trial Examiner Kennedy: Well, I have no objection to your motion to strike at any time if it is definite enough so that anyone reading the record will know what you are moving to strike. You can make it at any time during the proceedings, just so you are sufficiently definite as to what you are moving to strike, that is the only requirement that I impose on the motion to strike. Otherwise, I can't give you a ruling on it. [32]

Mr. Crosgrove: The Examiner understands that if questions are asked this witness relating to the

(Testimony of William J. Harrison.)

matter of the relationship between the Herald and their newsboys, that we might at that time object on behalf of the Times, but I think it would be just a rather unjustifiable consumption of time in view of what we hope may be accomplished later in the day, and that we might simply wait until the completion of the evidence. At that time I will comply with the Examiner's suggestion and requirement that the motion be stated at length and made very definite as to its reasons.

Trial Examiner Kennedy: Very well. Proceed.

Mr. Mouritsen: May it be understood, Mr. Compton, that if I refer to the Herald and Express, it is merely a knowingly erroneous reference to the real corporation that is involved, and that is the Hearst Publications, Inc., and for convenience, may I refer to it as the Los Angeles Exening Herald and Express?

Mr. Compton: I will stipulate that it is a convenient designation of the department which I represent, and I will have no objection to it.

Direct Examination

Q. (My Mr. Mouritsen): Where do you reside, Mr. Harrison? A. Residence address?

Q. Residence.

A. 8003 Hollywood Boulevard. [33]

Q. And what is your business or occupation?

A. Circulation manager of the Los Angeles Evening Herald and Express.

(Testimony of William J. Harrison.)

Q. And how long have you occupied that position? A. 28 years and 10 months.

Q. Will you outline briefly what your duties are in that position?

A. Well, to outline them briefly would be a matter of some difficulty. It represents the general supervision of the distribution and sale of the copies printed for such purposes by the Evening Herald and Express. It represents under my direction the mail room, transportation department, circulation employees, in and out of that particular department.

Q. And are you acquainted with the business in which the Herald and Express engages?

A. You mean by that the publishing business?

Q. Yes, as applied to this particular paper.

A. Yes.

Q. Now, can you tell us whether or not the Herald and Express is engaged in the business of circulating copies of the paper which it prints?

A. Yes.

Q. Now, could you outline briefly the various means by which you circulate papers in the city of Los Angeles?

A. The operation begins with the mailing. Papers printed [34] are sent by conveyor, which is a part of the press, an extension of the press, as a matter of fact, to the mail room. There the mailers send the papers out either wrapped to specific addresses or down the chutes to the transportation

(Testimony of William J. Harrison.)

department where many of them are distributed in bulk without address.

Q. Do you have an organization that is commonly known as district men? A. Yes.

Q. Do you have more than one of such organizations? Is that term different as to morning or night district men, in other words?

A. No, that is one organization.

Q. Now, when is the Herald and Express published? I mean during what hours. For example, what hour does it begin and how long does it continue?

A. Well, unless an emergency arises, the fixed hours of publication are 9:00 in the morning to 5:00 in the evening. I refer now to starting time of the presses. But that is the time of the first and final editions.

On occasions when there is extraordinary news, as exists today, for instance, there will be longer running time.

In other words, we will probably complete the press run normally about half past five. It is entirely likely it may be six or six-thirty today. But that only represents extraor- [35] dinary occasions.

Q. Could you tell us briefly the various editions that you publish during the day?

A. The first edition at 9:00 o'clock. Or do you wish the names of those editions?

Q. Would you name them?

A. The first edition at 9:00 o'clock is named the Green Flash. The edition that follows that at 10:30

(Testimony of William J. Harrison.)

is the Latest News edition. At 12:30 approximately—that hour varies a trifle—the Sports Edition. At 2:20—these are approximate hours I am giving you. I wish they were more fixed than they are—they vary a trifle—the Night Edition. At 4:00 o'clock the Night Final, and about 5:00 o'clock—5:00 to 5:15, the 7-Star or Race Extra.

Q. Now you referred, Mr. Harrison, to the fixed hours of the publication of the paper from time to time during the period while you have been circulation manager of the Herald and Express. Have those times been changed?

A. Yes. There has been some change, although I do not recall when, in the editions, due to increased population, traffic conditions, and one thing and another that have developed in the course of these 28 years.

Q. Now, has there been, for example, any change in the hour of the initial publication, that is 9:00 o'clock in the morning? [36]

A. Well, I am not certain as to that. If so, it happened a great many years ago.

Q. Approximately how many district men do you have? A. Well, I think we have 86.

Q. And are their duties in general the same, or do they vary.

A. Their duties are, well, I will say they are the same, yes.

Q. Could you outline briefly just what the duties of the district men are?

(Testimony of William J. Harrison.)

A. The district man's duty is to supervise a certain territory, to collect accounts for sale of papers from the news vendors on the different corners that are in his territory, to accept any regulation of orders that may be tendered to him by those street vendors, increases or decreases, and to recover any vacancy that may occur as from time to time news vendors drop out of that business.

Q. And these people you refer to as news vendors are also commonly known as newsboys, is that correct? A. Yes.

Q. Now, the duties that you have outlined are outlined to the District Manager by yourself; is that correct, or by someone else in authority in the circulation department?

A. Well, a district manager usually comes up from the ranks, and when he finally is promoted to that position he knows the [37] duties, and if he does not know the duties, we would very willingly instruct him in them.

Q. Are there any other supervisors or employees in the circulation department between yourself as circulation manager and the district managers?

A. Yes.

Q. Could you name those people, please?

A. Jake Gratz, A. W. Brewster, R. T. Brewster.

Q. Now, what position do those gentlemen occupy with reference to the—

A. They are what are termed branch managers. To facilitate the distribution of papers, we have

(Testimony of William J. Harrison.)

branches, one in the southwest under the supervision of Mr. Gratz, one in Hollywood under the supervision of Mr. A. W. Brewster, and two or three under the supervision of R. T. Brewster, a part of which are in town, and some of which are out. Out of these branches a redistribution of papers is made, and the branch men in those particular territories are in direct charge of the district men who operate out of those branches.

Q. And those men, that is, Gratz and Brewster, operate under your supervision; is that right?

A. They operate under me, under my supervision.

Trial Examiner Kennedy: Do you use the terms "district man" and "district manager" interchangeably?

The Witness: It covers the same thing.

Trial Examiner Kennedy: The same thing. All right. [38]

Q. (By Mr. Mouritsen): Now, through the period that you have occupied this position with the Herald and Express, you have had some contacts with the news vendors, or newsboys, is that correct?

A. Yes. But if you will pardon me, there was one omission I made in our distribution, and that has to do with downtown streets there. They are under the supervision of Dave Bell, and some district managers are under his direct supervision, and he under mine.

Q. Well, do I understand then that some of the

(Testimony of William J. Harrison.)

downtown district managers are directly under your supervision; is that correct?

A. A few report to the office—three or four, I believe.

Q. And when they report to the office, those men are directly under you? A. Yes.

Q. From time to time during the period while you have been circulation manager of the Herald and Express, have various newsboys taken up complaints, or beefs with you regarding——

A. Yes, sir.

Q. And I presume that has been done on innumerable occasions; is that correct?

A. Well, considering the number employed in that work, the complaints reaching me have been quite limited; but there have been complaints. [39]

Q. Yes. Could you outline a few of those complaints that have been brought to your personal attention and in which you have participated?

A. Well, I do not believe that I can recall at this moment any specific instance.

Q. Could you tell us in general what the nature of such complaints is?

A. It might possibly be that a newsboy would complain that his order had not been reduced, for instance, upon which complaint we would make a prompt investigation, take the matter up with the District Manager or Supervisor, to determine if there was any reason for such complaint.

Q. And upon the basis of your investigation you

(Testimony of William J. Harrison.)

would make some settlement of the complaint, is that correct? A. Yes.

Q. In addition to complaints of that nature, complaints regarding the time when newsboys are to be on the corner have been taken up with you?

A. Well, no, I do not believe that I recall any specific instance of that.

Q. In order to refresh your recollection, Mr. Harrison, I will ask you if you recall having taken up such a matter with Al Schwartz?

A. Very definitely. I am very glad that you asked me that question. [40]

Q. Could you outline very briefly what that matter consisted of?

A. Yes. War had broken out. There was a great demand for papers. Mr. Schwartz was not on his corner. It was an important downtown intersection and we sent some one of the boys, whose name I do not know now—There was always a number of them who were around the office—to cover Mr. Schwartz's corner. Later in the day Mr. Schwartz phoned to know why this boy was on his corner. He was informed that he was on the corner because Mr. Schwartz was not on the corner, and it was impossible under the circumstances to leave a corner of such importance without some representation on it.

Q. And when you state that war had occurred, I will ask you if that was or was not in approximately September of 1939.

(Testimony of William J. Harrison.)

A. Well, I do not recall that. I do remember that our sales were exceptionally heavy that day, and I am not certain as to the date of that.

Q. Do you recall any other instance, Mr. Harrison, of complaints that finally reached your personal attention regarding newsboys or their operations? A. Any specific instances?

Q. Any others of a general nature. You can tell us some of the matters that finally reached your personal attention.

A. Well, perhaps you have something there to refresh my [41] *my* mind. I do not recall it right now.

Q. I first wanted to ascertain——

A. Yes.

Q. ——whether you had any independent recollection. I will ask you if from time to time it has not been brought to your attention, or you have not taken up complaints regarding returns, granting newsboys returns on their papers?

A. Yes.

Q. And has that been taken up on more than one occasion? A. Yes.

Q. Has that been taken up by individual newsboys?

A. That has been taken up largely by a grievance committee representing the newsboys.

Q. And in addition it has been taken up by individual newsboys, is that correct?

A. There may have been instances of that that I do not recall now.

(Testimony of William J. Harrison.)

Q. I will ask you if from time to time during the period while you have been circulation manager, the matter of the price of the paper to the newsboys has not been the subject of complaints brought to your attention.

A. No. I recall no instance where any newsboy ever objected to paying the wholesale price that was asked for.

Q. Mr. Harrison, do you recall the time when the last raise in the price of the papers to the newsboys occurred? [42]

A. Yes. November 1, 1937.

Q. I will ask you if on that occasion, or at or about that time, no complaints were taken up or were brought to your attention either by individual newsboys or by an organization, regarding the price of the paper.

A. No. No complaint about the price of the paper was ever presented to me.

Q. Did you participate in any discussion with any individuals that is, newsboys or with representatives of an organization, regarding that——

A. Price?

Q. Change of price. A. No.

Q. I will ask you if from time to time during the period while you have been circulation manager you have not personally considered complaints of newsboys regarding their separation from the paper, or the fact that they were no longer permitted to sell copies of the Herald and Express?

(Testimony of William J. Harrison.)

A. I do not understand that question, Mr. Mouritsen. Please amplify it.

Q. Well, if I may speak in the matter, have newsboys ever taken up their discharge with you?

A. There have been times when we have refused to further sell our papers to a newsboy.

Q. And that has been taken up? [43]

A. That has been taken up, yes.

Q. And such matters have been taken up by individual newsboys, referring to their discharge or refusal to give them papers? A. Yes.

Q. And on occasions has that also been taken up by yourself with representatives of the labor organizations? A. Yes.

Q. And has that occurred on more than——

A. If by the labor organizations you mean the representatives of the Newsboys' Union, C. I. O. No. 75, yes.

Q. Has that happened on more than one occasion?

A. I think that perhaps on as many as three occasions I have been called by them, or called on by them.

Q. Mr. Harrison, it is a fact, is it not, that the Los Angeles Evening Herald and Express and the News, two different papers are handled largely by one set of newsboys? Do you understand that?

A. Yes; I think that practice obtains quite generally within the city.

Q. Did you participate in any conference or

(Testimony of William J. Harrison.)

conferences at which an arrangement was made whereby the newsboys of the Evening Herald and Express handled also the News?

A. The conference between whom?

Q. Between the representatives of the Stockholders Publish- [44] ing Company, Inc., the publishers of the News, and yourself or other representatives of the Herald and Express?

A. On two occasions, the Record, before it was disposed of to its present owners, which came to be named the News, withdrew from the group of newsboys that was handling both papers at that time, feeling that they would either have better representation or more active selling efforts in their behalf.

Over a period of months prior to November 1, 1937, it had been more or less casually mentioned that perhaps it would not be unwise to again have the same newsboy, if he was willing to do so, sell both papers. When we raised the price on the 1st of November from three to five cents—1937—from three to five cents, the Daily News at approximately the same time increased their street sales price from two to three cents. It was an- [45] ticipated by both papers that the result of such an increase in price would result in a sharp loss in circulation, thereby impairing the profits of the boys who sold newspapers. We felt, however, that if they sold both papers the profits from the two added together with the increased profit that they were making by reason of this price, would more than

(Testimony of William J. Harrison.)

compensate them for any such loss that might fall upon them. Prior to this time our wholesale price to the newsboys had been 2 cents a copy, they making a profit of one. At that time they were charged 3 cents for a copy and they profited two. [46]

After Recess

(Whereupon, the hearing was resumed, pursuant to recess; at 1:30 o'clock p. m.) [48]

Mr. Mouritsen: I will be prepared, Mr. Examiner, to offer the brief statement of facts or stipulation that is Board's Exhibit 2 for identification, with the understanding that it will be binding only on the Los Angeles Evening Herald and Express Department of Hearst Publications, Inc.

Trial Examiner Kennedy: With that limitation of the offer, is there any objection on the part of other parties?

Mr. L. B. Binford: Stockholders Publishing Company, Inc., accepts the stipulation and withdraws its objection interposed this morning.

Mr. Cosgrove: The Los Angeles Times will withdraw the objection, your Honor, in view of the stipulation.

Mr. Hall: The Los Angeles Examiner does the same.

Trial Examiner Kennedy: Received in evidence and leave granted to amend, and at the time the proposed amendment is offered, if there are any further objections, we will consider them as to the proposed amendment only.

(Testimony of William J. Harrison.)

(Thereupon, the document above referred to was received in evidence and marked as Board's Exhibit No. 2.) [49]

[Exhibit No. 2 is set out at page 49 of this printed record.]

Q. (By Mr. Mouritsen) Mr. Harrison, I believe before the noon recess, we were discussing the arrangement whereby the newsboys handled both the Herald and Express and the News.

Now, did you attend any conferences at which were present representatives of the Herald and Express and the News, whereby this arrangement was worked out?

A. I attended conferences that had to do with a number of other matters of common interest, in which this was more or less casually brought up.

Q. Now, could you tell us when the first of such conferences took place?

A. No, I cannot do that.

Q. Could you give us the approximate date or period wherein it was held?

A. Oh, I would say probably some six months prior to November 1, 1937.

Q. And other than yourself, who participated in such conferences?

A. Well, I believe that I remember on one occasion Mr. Keeler was present.

Q. Mr. Keeler is the business manager of the Los Angeles [50] Evening Herald and Express?

(Testimony of William J. Harrison.)

A. Yes.

Q. And from the News, or the Stockholders Publishing Company, Inc., the publisher of the News——

A. (Interrupting) Mr. Smith may have been present. I think Mr. Robare, who was at that time circulation manager of the News, was also present.

Q. And who else, if you recall?

A. None that I recall, Mr. Mouritsen, although I am sure that more were there.

Q. Where did this conference take place?

A. The one that I attended was in the offices of the Evening Herald and Express, the business manager's office.

Q. Now, will you please state what was said and done at that conference with reference to any future arrangement whereby the Herald and Express and the News were to be handled by one newsboy?

A. Well, Mr. Mouritsen, I cannot give you the words that were used. I can only give you the sense of that meeting.

Q. Would you please do so?

A. As I remarked before, both papers anticipated a sharp loss in circulation. We felt that it would be an opportune time to permit these boys who wished to handle both papers to do so, that the additional profit by reason of the increased retail price of the Herald, plus the profit through

(Testimony of William J. Harrison.)

the sale [51] of the News, would more than compensate them for any loss of circulation which we might have by reason of the increased price. We suffered such a loss, speaking now for the Herald and Express only.

Q. Well, I think we can develop it chronologically, Mr. Harrison, to get the facts.

First I desire to go into these conferences and find out how these arrangements were made. Is that approximately all the discussion that took place at this first conference some six months prior to November 1, 1937?

A. No. I think at that conference the matter was mentioned casually.

Q. Now, after that time, were subsequent conferences held, at which the subject matter of the consolidation was discussed?

A. It probably came up from time to time at every meeting. I wasn't present at many of them.

Q. Were you present at any such meeting at which it was finally determined that the consolidation was to take place?

A. Yes. It was understood that the best time to bring this into effect would be on November 1, 1937.

Q. And that determination was made at one of these meetings between representatives of the Herald and Express and the News, or the Stockholders Publishing Company, Inc.?

A. Yes. [52]

Q. Now, could you give us the approximate date

(Testimony of William J. Harrison.)

of the final conference at which you were present, whereby the consolidation was determined to be put into effect?

A. No, I couldn't, Mr. Mouritsen. Frequently I would be called up from my office to attend some such meeting that was in progress, and after a brief time there, would return to my duties. There was nothing to impress the date upon my mind, only approximately.

Q. Well, where was this final conference held?

A. My impression is that it was held in the office of the business manager of the Evening Herald and Express.

Q. That is Mr. Keeler's office?

A. Mr. Keeler's office.

Q. And is that in the building where the Los Angeles Evening Herald and Express is published?

A. Yes.

Q. Who were present other than Mr. Keeler and yourself?

A. I am not certain but I think that Mr. Smith was present and Mr. Robare, the circulation manager at the time, of the News.

Q. Now, will you tell us what was said at this final meeting regarding the consolidation?

A. No, I cannot, Mr. Mouritsen. I can only tell you the result of it. I do not remember exactly what I said or what anybody else said. [53]

Q. Can you give us in general the gist of what you said?

(Testimony of William J. Harrison.)

A. In general, my sense of the affair was this, that we ought to have the boys, if they were willing to do so, sell both papers, because of the additional profit that would accrue to them by such an arrangement.

Q. Let me ask you this:

Did you have in mind at that time primarily the benefits to accrue to the newsboys or was it a business arrangement that was being made by the Evening Herald and Express and the Stockholders Publishing Company, Inc.?

A. Why, it was a mutual—an arrangement for mutual benefit. While it benefitted us, it benefitted the newsboys.

Q. Now, can you give us the gist of what Mr. Smith said at this final conference?

A. Nothing more or less than he was of the same general opinion.

Q. And did Mr. Robare say anything at this conference?

A. Nothing but in general accord with it.

Q. Now, at this final conference, where the consolidation was discussed, were plans discussed whereby the consolidation would be put into effect?

A. You mean when or how?

Q. Both.

A. It was to be put into effect on the 1st of November, 1937.

Q. And was it discussed how the plan was to be put into [54] effect?

(Testimony of William J. Harrison.)

A. Nothing more nor less than that notice should be given to the boys that they could sell both papers.

Q. And how was the—was the method whereby the boys were to be informed of this consolidation discussed at this meeting?

A. I notified a downtown group of these newsboys in my office that we were going to raise the price of the paper on the 1st of November. The wholesale price to them would be 3 cents, they making a profit of 2 cents, where they had been paying 2 cents and making a profit of 1 cent; and that they also would be able to handle the Daily News.

Q. You deal with the downtown newsboys through Davy Bell ordinarily; is that correct?

A. Yes.

Q. Now, what arrangements were made for the notification of the newsboys in the districts other than the downtown district?

A. First to the branch managers and through them to the district managers, and through the district managers to the newsboys.

Q. You instructed, in other words, Mr. Gratz and Mr. Brewster that the change was to be made in the price; is that correct?

A. That is right.

Q. And did you at that time instruct them that they were in [55] turn to instruct the District Managers under them to that effect, namely, regarding the change in price? A. Yes.

(Testimony of William J. Harrison.)

Q. And the District Managers were in turn to instruct the newsboys; is that correct?

A. That is true.

Q. Now, with reference to the consolidation, that is, the handling of both papers by one newsboy, how was that instruction or notification to be made, if you will outline that, please?

A. In the beginning, Mr. Mouritsen, there was no instruction given as to how they should handle the papers or display them. They were merely notified they could handle both papers.

Through failure to make such an arrangement, some friction arose and within a week Mr. Robare came to my office and suggested that we should agree upon some fair method of display for both papers, and it was understood that it would be well to have the News folded on the outside of the Herald. [56] That gave them outside display, because when the paper was folded smaller than the Herald, the Herald would conceal it. Had the News been fully opened, that would have completely concealed the Herald. Had the Herald, on the other hand, been on the outside of the News and the News on the inside, no one would have been able to see the News, so this appeared to be a fair arrangement and we asked the newsboys in general to cooperate with us to that end.

Q. That is, this method of display that you and Mr. Robare discussed? A. Yes.

Q. And that was shortly after the consolidation, or after November 1, 1937, is that correct?

(Testimony of William J. Harrison.)

A. Yes, within a week or so.

Q. Now, how was this manner of displaying the News and Herald and Express, respectively, how was notice of that given to the various newsboys?

A. To the branch manager and through him to the district manager and through the district manager to the newsboys.

Q. And after that time have you on occasion had any conference or any meetings with district managers which took up this matter of displaying the Herald and Express and the News, respectively?

A. Only where instances of complaint would arise.

Q. Will you explain what the nature of the complaints was? [57]

A. Complaints from the Daily News.

Q. And of what nature were they?

A. That the boys were not giving them outside display, in many instances inside display.

Q. And after you received such complaints, will you tell us what action you took in that regard?

A. I notified the branch managers to instruct his district managers to talk with the newsboys, telling them that that was not fair, not in accordance with the understanding, and to give the News their outside display.

Q. Well, you instructed them to talk to the newsboys regarding that? That is correct?

A. That is correct.

Q. Now, at the time when this consolidation took

(Testimony of William J. Harrison.)

place on November 1, 1937, do you know what the result was with reference to the newsboys who were thereby eliminated, and by that I mean were Herald and Express newsboys eliminated in the main, or were the News newsboys eliminated thereby?

A. I think that more boys on the News were eliminated. Our organization was more stabilized. Our news vendors group was more stabilized than that of the News. The corners were more profitable, sales being larger, and for the most part the sale of the Daily News was turned over to the Herald and Express newsboy, but not wholly so.

Q. Now, if we may return to the manner in which notification [58] of this consolidation was given, was that given in the same manner as these other items you have mentioned, namely, that you notified the branch managers and instructed them to notify the district managers and they in turn were to notify the newsboys? A. Yes.

Q. And in this conference that you held of downtown newsboys, that matter was also taken up, is that correct?

A. Just what matter is that, Mr. Mouritsen?

Q. I am speaking of the consolidation of the Herald and Express and the News in the person of one newsboy.

A. Well, there were a group of newsboys called into my office a day or so prior to this, this common price raise, and notified of the price raise and

(Testimony of William J. Harrison.)

that they would be permitted to sell the Daily News.

Q. Now, directing your attention, Mr. Harrison, again to this discussion you had with Al Schwartz regarding the hours during which you desired representation on his corner, will you tell us briefly just what that discussion or conference consisted of?

A. Mr. Schwartz phoned about 1:00 o'clock or a little thereafter to know why someone was on his corner. I told him because he wasn't on the corner, that a surprisingly large story, the outbreak of war, had occurred and that his corner was without representation and we sent someone down there to [59] cover it, and I asked him why he wasn't there. "Well," he said, "I go to work at 1:00 o'clock."

And I said "War has broken out."

"Well," he said, "war or no war, 1:00 o'clock is the time that I go to work."

Q. Tell us what else occurred?

A. He then asked why he wasn't notified. I asked him if he thought it was my business to call up every newsboy in the city and notify them when a story came out. He said he thought it was.

Q. And what further occurred?

A. Later on he came to the office again accompanied by the secretary of the Newsboys Union, whose name for the moment escapes me.

Q. Perhaps Art Page?

A. Art Page, yes. And they too discussed the

(Testimony of William J. Harrison.)

matter covering the same ground that I had covered with Al Schwartz over the phone and alone, and Al Schwartz again made the statement that it was my business to notify all the newsboys whenever a story of unusual interest occurred. And I then asked him if he had any idea of how many newsboys there were in the city, how many had phones, if they had phones, and if he thought it was entirely feasible to do that; that in as much as all the newsboys were entirely well aware of all the times that we went to press, the edition schedules and the territory [60] was well covered, there could be no excuse for his having neglected to cover his own corner.

Q. Well, is that about all you can recall that was said at that time?

A. Substantially, yes.

Q. And after that time, did Al Schwartz continue to appear on the corner at one P. M.?

A. At one P. M. and later.

Q. Did you at that time request that he appear at 9:30?

A. I did not, Mr. Mouritsen. Mr. Schwartz said "What time am I to be on my corner tomorrow"? the following day.

I said "You know when we go to press. Come on the corner when you please, but we are starting to print papers at 9:00 o'clock."

Q. Is it or is it not a fact that after that time Mr. Schwartz appeared at 11:00 o'clock in. the morning—11:00 A. M.?

(Testimony of William J. Harrison.)

A. I would not know that, Mr. Mouritsen. Perhaps Mr. Bell would. But I have no means of knowing when these newsboys appear on their corner.

Q. Now, Mr. Harrison, I believe you have certain newsboys who receive checks from the Herald and Express; is that correct?

A. That is not correct. We have newsboys who are wholesalers, and who, for their wholesale duties, receive a check, [61] but not to sell newspapers.

Q. Do you recall when the practice of giving certain of these boys who act as wholesalers checks arose?

A. Well, that has developed over a period of years, Mr. Mouritsen, a matter of slow development.

Q. Beginning approximately what time?

A. Well, some time after 1914, I should say, some time after 1918. That was done to expedite our work, enabling the district manager to cover his territory faster, because this wholesaler would check in a group of boys at his corner and our district manager, not having to contact every one of them, would contact only one.

Q. Well, can you outline briefly the duties that one of these boys performed for which he received a check from the Herald and Express?

A. I think, Mr. Mouritsen, that Mr. Bell, Mr. Gratz or Mr. Brewster, who are in more direct

(Testimony of William J. Harrison.)

contact than I am, could define their duties a little bit better than I could. Understand, my department is largely a department of outside people, with whom I can have no intimate contact, because they do not work all under the same route.

Q. Well, during the process of your testimony you have referred to representation of the Herald-Express. What do you mean by the use of that term?

A. That is the display of the newspaper that a boy sells. [62] If a boy sells only one newspaper, that of course is representation for that newspaper; if he sells two newspapers, and both papers are visible, that is representation for the two. Representation is a form of display. We can go a little further with it and say that if we open up a new corner, for instance, Mr. Mouritsen, on which we have had no previous sales, we then have representation on that corner.

Q. Now, Mr. Harrison, can you tell us who determines the price at which the paper is sold to the public?

A. That is an advertised price, carried on the masthead of the paper. The public is fully acquainted with the price as well as the newsboys. I have known instances where they have sold the papers for 25 cents apiece.

Q. Do you give your district managers any instructions with reference to which the paper is to be sold?

(Testimony of William J. Harrison.)

A. Wholesale or retail?

Q. Both.

A. Our established wholesale price is determined by the Company; the retail price is an advertised price, with which the public is acquainted, and unless there is something sensational and a shortage in papers, that is the price and the only price, that the public will pay.

Q. Do you make any effort to see that the public receives the papers at the established price?

A. Mr. Mouritsen, I have never in all my experience had [63] anything like that arise.

Q. What do you mean by that?

A. I mean that it was not necessary to either instruct the newsboy or the public what the retail price of the paper was.

Q. Mr. Harrison, I understand from your prior testimony that the paper publishes a number of different editions during the day?

A. That is true.

Q. Now, with reference to the time when such editions are to be sold, have you ever given the district man any instructions regarding the sales of a prior edition after a later edition has appeared on the street? Do you understand that?

A. Why, a prior edition after a later edition appears on the street is unsalable.

Q. Is it your statement or your testimony, Mr. Harrison, that it is impossible to sell an earlier edition of the paper after a subsequent edition has appeared?

(Testimony of William J. Harrison.)

A. It occasionally happens, Mr. Mouritsen, that a newsboy may take advantage of a buyer and work off an earlier edition on him. By no instructions of our own. We would much prefer to have them sell the latest edition that is out.

Q. And what action, if any, would you take, if you ascertained that fact or that situation? That is, that a newsboy was selling an earlier edition after the later one appeared? [64]

A. He would be advised that he should sell a later edition when he had it, but if he had sold out on that later edition, Mr. Mouritsen, and had earlier editions left, we would certainly expect him to dispose of those.

Q. And you would so advise him if that were the situation?

A. Yes. And I may add that he would not need the advice.

Q. Now, Mr. Harrison, these district men, how many days a week do they work at present?

A. Six.

Q. And the paper, of course, is printed only on six days a week?

A. No Sunday issue.

Q. Has it been your experience in the past that from time to time these district managers take vacations, take time off?

A. They are given vacations, Mr. Mouritsen, every year.

Q. And during the time while they are off, I

(Testimony of William J. Harrison.)

presume that relief men are put on by the paper; is that correct?

A. In some instances. In some instances territory is doubled and one district man will do the other one's work while on vacation, and so on.

Q. And I suppose that from time to time during the period while you have been Circulation Manager that various of these district managers have become ill? A. Yes. [65]

Q. And it has been necessary to replace them at least temporarily by another man?

A. That is true.

Q. Now, what provision does the Herald-Express make for assuring that there shall be continuous service in the event that one becomes ill, that is, if a district manager becomes ill or takes a vacation?

A. Substitutes are available.

Q. And, as a matter of practice, do you or do you not request the District Manager to keep and turn in to the Company a route sheet showing the places where he leaves papers, and the approximate number that he leaves?

A. Not to our office, no.

Q. And where, if to anyone, are such route sheets turned in?

A. They will be turned in to the branches out of which those district men would operate.

Q. All right.

Now, what is the situation with reference to the

(Testimony of William J. Harrison.)

downtown area? That is Davy Bell's area.

A. Downtown the boys as I understand it—perhaps Mr. Bell can give it a little more, clear it up for you a little better than I can—have a normal order which they add to or take from as they please. We estimate their normal sales to be such and such an amount by past experience on each edition. Now, those papers are sent out to them by trucks. A district manager goes on the truck and puts off on each one of these cor- [66] ners the required number of papers. Then later on another truck will come along with a re-cover. They will only perhaps get a part of their order on the first delivery; then a re-cover will follow them distributing additional supply up to their order. And after that the truck will come again so they can get additional papers if they need them. And it sometimes occurs that they will phone in they need more papers, in which event we send them to them.

Q. Well, are there any district managers who work under Davey Bell? A. Yes.

Q. Who are they?

A. Well, there is Joe Woods, Don, Sollie Epstein, Charley Williams is the asistant superintendent and is rarely on the street. One or two others whose names I do not recall right now. Mike Amstell is one of them.

Q. Then Joe Woods and these other district men whom you have named are not required to turn in a route list to you; is that correct?

(Testimony of William J. Harrison.)

A. No, not to me.

Q. And if they turn such a list in to Davey Bell, it is not to your knowledge; is that correct?

A. I think they turn in some form of an order card, which is made out in memorandum form, so many to this corner, so many to that, and so many to the other corner. The papers out of [67] the mail room are charged against the street sales department, so many on each edition, so that the total for the day is receipted for by the superintendent of street sales, signing this slip as a receipt to the mail room for the number of papers that are indicated thereon for each edition; it is a bulk transaction from the office point of view, and not separated into its component parts for each corner.

Q. Is it true, then, to your knowledge, that no such breakdown is turned in to Mr. Bell, and that shows the number of papers that are given to these various spots and corners in the downtown area?

A. I think Mr. Bell does know the number that go for a normal order on each of the downtown corners, or to the wholesalers that appeared on a number of these corners, and who redistribute or resell without profit to themselves, but at the same price they pay to the boys who come there and get these papers.

Q. Well, I am trying to ascertain, Mr. Harrison, if the record is kept by the paper under your supervision that indicates the places where district managers leave papers and the approximate number of papers that they leave at said places?

(Testimony of William J. Harrison.)

A. No; not any office record of our own.

Q. Now, do you have any employee of the Los Angeles Examiner in the circulation department——

Mr. Hall (Interrupting): Did you say Los Angeles Examiner?. [68]

Mr. Mouritsen: If I did, I did not mean to do so and I desire to change it to the Los Angeles Herald and Express.

Mr. Hall: I think you did it in another question, Mr. Mouritsen. It was entirely inadvertent, I assumed.

Mr. Mouritsen: Yes. It should appear all through this examination that it is being conducted with reference to the Los Angeles Evening Herald-Express.

Q. Do you have in the circulation department of the Los Angeles Herald-Express certain checkers or spotters?

A. We have no spotters, Mr. Mouritsen, in the circulation department of the Evening Herald-Express.

Q. How about checkers?

A. We have checkers who check the district men and do not check the newsboys, but the district men.

Q. Very well.

Now will you explain just what you mean by saying that these checkers check the district men?

A. They go from place to place. Perhaps in

(Testimony of William J. Harrison.)

one part of the town this evening and another part tomorrow. They observe the general conditions, and when they appear to find something that the district manager should know about, they merely make a memorandum of it. I pass it along to the branch manager. If it happens to be in his territory, he in turn will call the attention of the district manager to the fact the conditions are thus and thus on such and such a corner. These checkers are not supposed to discuss anything or talk with or give any [69] orders whatever to newsboys.

Q. And those checkers report directly to you as head of the circulation department, is that correct?

A. They turn in any memoranda that they happen to find that needs any attention, and I pass it along to the interested person.

Q. Are certain checkers also under the supervision of and reporting directly to these various branch managers whom you named? A. No.

Q. They all report directly to you?

A. Yes. But that does not mean, Mr. Mouritsen, that they do not see the branch manager or talk to the branch manager, but their reports are made to me.

Q. Now, you have stated that they are supposed to observe general conditions; I suppose that is general conditions regarding the circulation of the paper?

A. The circulation, yes, the revision of the territory, and whether or not the district manager

(Testimony of William J. Harrison.)

appears to be neglecting a part of his territory or all of it or none of it.

Q. And could you tell us just what these general conditions consist of? I mean, what is a checker supposed to observe and report to you, if he finds anything amiss?

A. Well, for instance he will report that the papers are laid on a certain corner, due at a certain time and they [70] arrive later than that time. He may also report the time that the Daily News of a similar edition arrived at that place. On a later edition, the last edition of the day, he will report the time that our papers reached some parts of the territory and the time that the Times and Examiner reached those places, with their first edition in the evening.

Q. Yes. That is one point that they check on.

Now, can you name the other points on which they are to check?

A. Well, I know of no other points, Mr. Mouritsen.

Q. Approximately how many of these checkers are there? A. Two.

Q. And that is the only thing that they are to observe and to report to you on, is that correct?

A. Yes.

Q. Who are those two checkers?

A. M. R. Harrison is one, James Blake another.

Q. And any of those memoranda that they send to you regarding the general conditions upon which they are to check, are they retained by you?

(Testimony of William J. Harrison.)

A. No.

Q. What——

A. (Interrupting) No. Memoranda on their reports that requires attention I merely make a memorandum of it and throw the report away. It is of no value. [71]

Q. Or you pass it on to the district——

A. (Interrupting) Or send it out to the branch who in turn would take it up doubtless with the district manager on whose territory the complaint, if any, occurred.

Q. (By Mr. Mouritsen) From time to time during the period while you have been head of the circulation department, the Evening Herald-Express has issued extra editions of the paper which do not come out during the hours from 9:00 o'clock until 5:00 or 5:30, is that correct? A. Yes.

Q. And for example on various election days the paper has appeared prior to 9:00 o'clock, is that correct?

A. That is true. And on New Year's Day regularly.

Q. And on various occasions when there have been championship boxing matches in the east it has appeared later than the 5:00 or 5:30 that is issued? A. That is true.

Q. Now, on such occasion how is notification given to the newsboys regarding this change in your regular time of operation?

A. An extra that we expect, as for an instance

(Testimony of William J. Harrison.)

an early [72] start following an election day, boys are notified through their district managers of the time that we are going to start the following morning. On prize fight extras, which we no longer issue, because they are not quite as salable as they once were, and I think it has been three or four years since we put out championship prize fight extras.

Q. What is done in that event?

A. In that event, knowing the date, knowing the time that the fight would start, the boys were all notified that we would publish an extra as soon as the fight was over.

Q. And that notification was made through the district manager, isn't that correct?

A. Through the district manager and through publication of the fact that we were going to publish such an extra in the paper. [73]

Q. (By Mr. Mouritsen) The Express was formerly a separate paper, is that correct?

A. Yes.

Q. And it consolidated with the then Evening Herald, is that correct?

A. When you say consolidated, just what do you mean, Mr. Mouritsen?

Q. Well, I observe that the name of the paper by which you are now employed is the Los Angeles Evening Herald and Express?

A. And you want to know the date that that was merged?

(Testimony of William J. Harrison.)

Q. Yes, that is correct. [75]

A. That was merged on the 9th day of December—I would say the 10th day of December, 1931.

Q. And this incident that you enumerated whereby the Express and the Herald were handled by different boys took place prior to that time, prior to 1931?

A. Yes, years before that.

Q. At any period during the last five or six years, has there been any time during which most of the newsboys who sell the Herald and Express have received checks?

A. You mean most of the newsboys?

Q. Yes. A. No.

Q. Has there been any time in the last five or six years during which a greater part of them received checks than at the present time?

A. Well, I hesitate on that answer. I am not quite sure of that, Mr. Mouritsen, but I believe that there are fewer now because of the additional profits than at any time in recent years.

Q. May I ask you if approximately at the beginning of 1936 there was not a substantial reduction made in the number of newsboys who received checks from the Los Angeles Evening Herald and Express? A. Prior to what date?

Q. At or about the beginning of 1936 [76]

Mr. Compton: If the Examiner please, I would like to interrupt a moment to inquire whether or

(Testimony of William J. Harrison.)

not the witness and Mr. Mouritsen are talking about the same thing.

I assume that you are talking about these so-called wholesalers concerning which Mr. Harrison testified this morning?

Mr. Mouritsen: No, Mr. Compton. The question is addressed primarily to the fact whether or not at that time there were a larger number of newsboys who received checks than at the present time, and if at that time a substantial reduction was made in the number of newsboys who received checks.

Mr. Compton: As I understood Mr. Harrison's testimony this morning, there was no newsboy, as such, that received checks from the Herald, and the only persons who received checks were newsboys who received checks for working for the Herald in wholesaling papers. Now, did you understand, Mr. Harrison, what he asked you?

The Witness: I understood that I was discussing the same group of newsboys, wholesalers who sell papers and receive checks.

Q. (By Mr. Mouritsen) Were there any number of such newsboys—any substantial reduction that took place at or about the beginning of 1936?

A. Mr. Mouritsen, the occupation of a newsboy is a very fluctuating one. They come and go. They are here today and many of them are gone tomorrow. Now, you ask me in this vast [77] personnel of newsboys since 1936 if I can determine whether some of them got checks then, or more then than get checks now. I do not know.

(Testimony of William J. Harrison.)

Q. You recall no definite curtailment on the part of the management at or about that time, that is, the beginning of 1936? A. No, I do not.

Mr. Mouritsen: I think that is all, Mr. Harrison.

Mr. Compton: Just one moment, Mr. Harrison.

Cross Examination

Q. (By Mr. Compton) In the period stated by Mr. Mouritsen, that is to say, in the last five or six years, do you know of any instance where so-called newsboys received checks from the Los Angeles Evening Herald and Express except and unless those newsboys performed the function of wholesalers?

A. I do not recall any, Mr. Compton.

Q. And do any newsboys now receive checks except and unless they perform functions as wholesalers for the Los Angeles Evening Herald and Express? A. Not to my knowledge. [78]

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Mr. Cosgrove: Before the witness is sworn, if the Court please, for the record the Los Angeles Times or the Times Mirror Company desires at this time to move to strike all of the evidence on direct and cross examination of the witness William J. Harrison in the Los Angeles Times case only, that is, Case No. XXI-R-1062.

The purpose of the motion is not at all to strike the testimony or any part of it from the record for

all purposes, counsel appreciating that it has application to other matters now before the Examiner, but on behalf of the Los Angeles Times alone and as to it, the motion to strike is made on the ground that the testimony and no part of it has any reference to any newsboy selling the Los Angeles Times, either at the present time or at any time in the past, and has no relation to any transaction between the Los Angeles Times and any newsboy selling the Los Angeles Times.

At this time, if the Court would be interested in having us say so, I think it would be quite proper for the Examiner to take the motion under advisement to see what develops later on in the proceeding.

Trial Examiner Kennedy: Any objection to the motion to strike? [79]

Mr. Mouritsen: Mr. Examiner, at this time and for the purposes of the record, I will oppose the motion, the granting of the motion, because of the fact, as pointed out by the Examiner, that the order of consolidation does not specify that it is for the purposes of hearing only, and until we receive perhaps some clarification of that I feel that I should oppose the motion as counsel has made it.

Trial Examiner Kennedy: I will deny the motion. I am inviting your attention to the preliminary statement that I have put into the record in which the Board has instructed Trial Examiners to inquire into the past and present history of units used by the employer or by the industry in an em-

ployer relationship, and for that reason, if for no other, it appears to me that it is pertinent as to all parties now in this proceeding.

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DAVE BELL

called as a witness by and on behalf of the Petitioner, being first duly sworn, was examined and testified as follows: [80]

Q. (By Mr. Mouritsen) Where do you reside, Mr. Bell?

A. 414 South New Hampshire.

Q. In the City of Los Angeles?

A. Yes, sir.

Q. And what is your business or occupation?

A. Superintendent of street sales.

Q. For the Los Angeles Evening Herald-Express? A. Yes, sir.

Q. How long have you held that position?

A. I have been working, oh, I would say about twenty years. I worked there twenty-nine years all together; I have had that job about twenty.

Q. During that time you have worked under Mr. Harrison, is that correct? A. Yes, sir.

Q. Do you at present have any district managers who work under your supervision?

A. A few, yes, sir.

Q. Will you name them, please

A. Joe Woods, Robert Ritter, Mike Amsdell, Don Paluser or Palazzi—I don't know just exactly how he pronounces his last name.

Mr. Eley: Pazola.

(Testimony of Dave Bell.)

The Witness: Frank Crosson, Sollie Epstein. That is just [81] about all of them.

Q. And briefly, of what do your duties consist in the position you now hold?

A. Put out the papers, see that the district renders—collect for them. I am responsible for the money. Turn in the money the next morning for the papers, previous day's papers.

Q. Would it be correct to say that you have general supervision of the circulation of the Los Angeles Evening Herald and Express in the downtown area of Los Angeles?

A. I guess that would be it, yes, sir.

Q. And these district men that you have named work under your supervision? A. Yes, sir.

Q. Can you tell us briefly what duties a district man performs under your supervision?

A. Goes out and puts out the papers, collects for them, goes over to see that they have enough papers, and so on, the same as any district man in any other district, only he don't have as much territory to cover.

Q. Mr. Bell, I believe in the downtown area you have a number of employees who are known as check men, or wholesalers; is that correct?

A. Wholesalers, yes, sir.

Q. Can you tell us what duties these employees perform? [82]

A. They supply the other corners, and if there is an office building, supply them with papers and collect for them.

(Testimony of Dave Bell.)

Q. When such a man is engaged by the Los Angeles Evening Herald-Express, by whom is he engaged for that work

A. I don't quite get that. What——

Q. (Interrupting) Who hires him?

A. Hires him? I hire him.

Q. Let us presume that during the twenty years that you have been connected with the circulation department of the Los Angeles Evening Herald-Express you have hired a number of such checkmen or wholesalers; is that correct?

A. Yes, sir.

Q. Will you tell us what instructions you give such employees when you hire them?

A. I don't necessarily give them any particular instructions outside of to see that they have enough papers and collect for them. Most of them know just like anybody else—like anybody else that is selling papers, they know what their duties are, most of them, without even having to tell them. No particular instructions outside of the matter of advice if they don't have enough papers to call up for them and collect for them; that is all. [83]

Q. (By Mr. Mouritsen): Well, Mr. Bell, is it your testimony, then, that these check men are given no particular instructions regarding their duties they are to perform for the Los Angeles Evening Herald-Express at the time they are engaged?

A. I give them word I will supply them with

(Testimony of Dave Bell.)

the papers and collect for them on the other corners.

Mr. L. B. Binford: Due to the fact there has been some testimony introduced with respect to the employment of so-called checkers, and these men now that you are referring to as check men, am I to understand that the check men and the checkers have any relationship with each other, or is the true designation of these men wholesalers that you refer to as check men?

Mr. Mouritsen: I could state in regard to that, Mr. Examiner, that checkers and check men are not synonymous terms; that my source of information from the newsboys, namely, that their designation, and the common designation of these men who receive checks from the various papers is that of check men, and I understand that check man and wholesaler by the paper is a synonymous term.

In other words, when I use the expression "check man," I am referring to the men who are known to the newsboys as [84] check men, and to the papers evidently as wholesalers.

The Witness: We use the terms both. The term is wholesalers. They are known to the newsboys and to us both the same as a wholesaler. That is what they are classed as.

Mr. Mouritsen: Is the use of the term "check man" something——

The Witness: That is something somebody else originated. Any newsboy knows it is termed as a

(Testimony of Dave Bell.)

wholesaler, and also it is known by the office and by the newsboys as a wholesaler. I don't know who gave them that title of check men.

Trial Examiner Kennedy: What does "check man" mean to you?

The Witness: I haven't the slightest idea myself.

Q. (By Mr. Mouritsen): There are a number of newsboys who are known as "main spot boys"; is that correct?

A. That is the same thing as wholesalers.

Q. And that is the term that you use and understand; is that correct? A. Yes, sir.

Q. Main spot.

And also "off spot boy," can you tell us what an off spot boy is?

A. Nothing more than any other kid that sells papers on [85] the corner.

Q. Do you understand there is a distinction between a main spot and an off spot boy?

A. The only difference is where he comes and gets the papers from the man on the corner who is responsible for the papers. He just comes over there and gets the papers. That is the term they use.

Q. The main spot boy is the boy who gets the papers from the district man; is that correct?

A. From the truck.

Q. And the off spot boy in turn gets his papers from the main spot boy rather than from the district man; is that correct? A. Yes, sir.

(Testimony of Dave Bell.)

Trial Examiner Kennedy: You said something about getting them from the truck.

The Witness: That is where the truck drops them, on that particular corner; they drop on one corner and they all come over and get them from the boy on that particular corner.

Trial Examiner Kennedy: What about the district man; is he in on that?

The Witness: They come around afterwards and collect from the main fellow.

Q. (By Mr. Mouritsen): When you refer to a truck, what, or whose truck do you refer to?

A. The Evening Herald-Express truck that delivers the papers. [86]

Q. During the period while you have been connected with the circulation department, have the newsboys obtained any spots to sell papers from you directly?

A. There have been some cases, yes.

Q. And have you given such newsboys any instructions at the time when they obtained the corner from you?

A. What instructions are you referring to?

Q. Well, could you give us—state briefly what has been your practice when a newsboy comes to you and applies for a spot to sell papers?

A. Well, the practice is so seldom that we have any openings, we take their application and if we have to have any, which is a rare thing—it has been so long since we have had any I have forgot

(Testimony of Dave Bell.)

the last time it was; that is, in the downtown district.

Q. From whom do newsboys ordinarily obtain spots or corners in the downtown area? From you or from the district manager?

A. Well, if the district manager has got an opening, they obtain it from him. I send them to him and he puts them on the corner if he has got an opening. [87]

Q. From time to time, you furnish to the district men under your supervision advertising placards of the Los Angeles Evening Herald-Express? [88]

A. Yes, sir; we have at different times.

Q. And do you give the District Managers any instructions with reference to those advertising placards?

A. Just take them out and display them.

Q. And any further instructions?

A. No, sir.

Q. Do you make any effort to ascertain whether such instructions are carried out?

A. No, sir.

Q. And what, if any, instructions do you give regarding the distribution of papers—do you give to the district men under your supervision?

The Witness: No special instructions at all.

Q. (By Mr. Mouritsen): And do you make any effort to check up on the proper distribution of papers within the area over which you have supervision? A. Yes, sir.

(Testimony of Dave Bell.)

Q. And what form does that check take?

A. Walking around, going around in the car, looking over things to see what they are doing, to see if they have got enough papers. [89]

Q. Do you do that personally?

A. Personally. Sometimes I send out my assistants, or one of my night men.

Q. During the course of such checks, have you ever found that a newsboy was not on the corner in the downtown area? A. A lot of times.

Q. When you discover such a situation what has it been your practice to do?

A. Just ask them where they have been so long, why didn't they stay on their corner, and why didn't they look after their business.

Q. Do you take it up personally with the newsboys?

A. Sometimes. Sometimes I send one of my assistants down.

Q. And during any such checks, have you ascertained that newsboys are not displaying the papers properly? A. No, sir.

Q. You have never ascertained that during one of your checks? A. No, sir.

Q. And the papers have always been displayed satisfactorily to you on any of these checks which you have made? A. Yes, sir.

Q. Now, during this period while you have been connected with the circulation department, have you on occasion, or have newsboys on occasions taken up complaints with you?

(Testimony of Dave Bell.)

A. Sometimes. Sometimes; very rare. [90]

Q. And during the time that they have—or on the occasions when they have taken up such complaints, what was the nature of the complaints they have taken up with you?

A. The newspapers were late, or why they haven't got the papers, or sometimes the district man didn't have enough papers or ran out of papers. It can't be helped. You can't avoid mechanical troubles.

Q. And have the newsboys ever taken up with you on occasions their discharge or removal from a certain corner?

A. No, sir, because things like that have been very rare.

Q. And have they taken up with you on occasions the fact they were not receiving full returns? A. No, sir.

Q. Do the newsboys in the downtown area under your supervision receive full returns at present? A. Yes.

Q. Has there been a time in the past when newsboys under your supervision or who sell in the area under your supervision have not received full returns? A. Yes, there has been. [91]

Trial Examiner Kennedy: You might tell us what you understand by this term "returns."

The Witness: "Returns" is unsold copies.

Q. (By Mr. Mouritsen): And when a newsboy is given full returns, he is permitted to re-

(Testimony of Dave Bell.)

turn to the district manager the unsold copies that he has at the end of the day, is that correct?

A. Yes.

Q. And when he does not receive full returns, he is not permitted to return all of those unsold papers?

A. I don't know. In my territory, they get full returns. What is done in other parts of the city, I don't know. In my downtown district they get full returns.

Q. At present they do? A. Yes.

Q. Now, has there been a time in the past when newsboys in the area under your supervision have not received full returns? A. Yes.

Q. Now, when was the change made, if you can recall?

A. I can't recall the exact date. I don't know exactly how [92] long. Maybe it has been a year or less. I couldn't say just exactly when the change was made.

Q. To refresh your recollection, was the change made at or about the time when the newsboys who sold the Los Angeles Evening Herald and Express commenced to handle the News?

A. It was during the course of that period, yes, but I can't say just exactly what date or time.

Q. Did you participate in any conferences whereby the newsboys in the downtown area were permitted returns? A. No, sir.

Q. Do you know how the change was brought about? A. No, sir, I don't.

(Testimony of Dave Bell.)

Q. How did you ascertain that the newsboys were permitted to make full returns?

A. From my boss, Mr. Harrison.

Q. How did you find that out? Did you have a conversation with him?

A. He just told me that beginning that day or the next day, whatever time it happened, I don't recall the day, that they would get returns.

Q. And did you pass that information on to the district managers?

A. As I understand, they met with him and it wasn't necessary. They already knew it before I did.

Q. Now, from time to time during the last four or five years, [93] have you taken up with newsboys or have they taken up with you the fact they were not permitted full returns, that is, prior to 1937?

A. No, sir, it wasn't necessary to take it up because there was no return allowed.

Q. Did any of the newsboys ever make application to you to have that condition changed?

Did they ever complain to you that they were receiving too many copies of the paper?

A. No, sir. They could cut their order whenever they wanted to, or raise their order whenever they wanted to. They never made any particular complaints to me that they were getting too many papers.

Q. (By Mr. Compton): I understood you to say in your examination that the term "main spot" was synonymous with that of wholesaler.

(Testimony of Dave Bell.)

Did you mean that?

In other words, are the main spot men necessarily wholesalers?

A. Not necessarily. I guess what he means by main spot is one particular corner where the papers are throwed off and the [94] boys go over on that particular corner to get them. We can't throw them off on all the corners. In most cases it is a wholesaler.

Q. In most cases, it is a wholesaler, but not necessarily so? A. No.

Q. Now, when in your direct examination you testified concerning the obtaining of corners within your district, what did you mean by a man obtaining a corner within your district?

In other words, did that mean there was an open corner or just what did it mean?

A. Yes, if we had an opening some place to put somebody.

Q. And that meant there was a corner where no one else was selling?

A. Yes, or somebody had quit, or something.

Q. In your direct examination you testified concerning your trips around and about your district and that you had not observed any improper display of newspapers.

Do you in your trips around the district make any note of the manner in which newsboys are displaying the wares they have for sale? A. No.

(Testimony of Dave Bell.)

Q. Is that a matter of any interest to you?

A. No, sir.

Q. Do you ever attempt to regulate the manner in which news- [95] boys display newspapers.

A. I haven't yet.

Q. (By Mr. Mouritsen): Mr. Bell, you are the —what is your title again?

A. Superintendent of street sales.

Q. Superintendent of street sales in the downtown area?

A. Superintendent of street sales in the downtown district, yes.

Q. And as such, you are the representative of the Herald and Express for the circulation department in the downtown area? A. Yes.

Q. And your testimony is that you have no interest in the manner in which newsboys display the Los Angeles Evening Herald and Express in that area? A. Yes. [96]

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JOE WOODS,

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Mouritsen) Where do you reside, Mr. Woods?

A. 1036 South Cloverdale, Los Angeles.

(Testimony of Joe Woods.)

Q. What is your business or occupation?

A. District man.

Q. (By Mr. Mouritsen) For the Los Angeles—

A. (Interrupting) Evening Herald and Express.

Q. And how long have you been so employed? [98]

A. Oh, about fifteen years.

Q. And at present, in what district do you work?

A. From Third and Hill to Third and Los Angeles, and north to First and Main, and west to First and Hill.

Q. That is in the City of Los Angeles?

A. Yes.

Q. Also known as the downtown area?

A. The downtown area.

Q. And Mr. Davey Bell is your immediate superior, is that correct? A. Yes.

Q. How long have you been employed as a district manager in the district in which you now work? A. The past fifteen years.

Q. Now, of what do your duties as district manager consist?

A. Supplying the boys with papers.

Q. Anything else?

A. I handle the magazines. That doesn't come under the Herald and Express.

Q. You handle the——

A. (Interrupting) The Liberty and the Post.

Q. And as such, you supply all the newsboys who work in the downtown area? A. Yes.

(Testimony of Joe Woods.)

Q. And of what do your duties with the Herald and Express [99] consist?

A. Well, that is my territory from Third and Hill to Third and Main and north to First and Main and west to First and Hill.

Q. What do you do in that area?

A. Supply the corners with the papers.

Q. Is that all you do? A. Yes.

Q. Do you make any collections?

A. Yes. I collect for all my own papers.

Q. And do you collect any unsold copies of the papers?

A. What do you mean? Do I collect any unsold copies of the papers? I take back all copies that are not sold.

Q. And you take them back from whom?

A. From the boys on the corners.

Q. What do you do with them?

A. Turn them back in to the Herald.

Q. And during the time that you have been so engaged, what have been the general hours during which the papers are published?

A. Well, the same as they are published always.

Q. And what are the same hours that they are always published?

A. Well, 9:30, 10:30, the same as they are running right now. There is no difference in the times. [100]

Q. And on the occasions, such as elections, when the paper is printed at an earlier hour, how do you apprise the newsboys of that fact?

(Testimony of Joe Woods.)

A. Well, just the papers are coming out an hour earlier. They have known that all the time. I have got practically the same crew of boys that have been down there with me in all them years.

Q. And what do you do if the boys do not show up at the hour earlier on such occasions?

A. Well, I try to do the best I can, have somebody to cover the corner until they come down.

Q. And on occasions when newsboys have not appeared on such occasions, have you removed them from the corner?

A. I have never fired nobody in my district.

Q. Do you still have the same newsboys that you started with fifteen years ago?

A. Practically.

Q. And have any of them quit?

A. Yes, I had a couple of them quit. A couple of them died. There was two of them died within one week, not through my fault.

Q. Have you put any other boys on the corner in the place of those who have died or quit?

A. I have.

Q. And how recently have you done that? [101]

A. Well, there was a fellow quit about three weeks ago.

Q. And what was his name?

A. Now, I can't recall. It was on the northwest corner of Third and Broadway.

Q. To refresh your recollection, was his name Louis Toffler?

(Testimony of Joe Woods.)

A. Louie was his name. I couldn't tell you his last name.

Q. And who replaced him?

A. Why, I put a boy there. A fellow wanted to work, he had asked me quite a few times if I ever had an opening, and I said "Well, this fellow quit," and I said, "There is a chance for you to go to work." I said, "Go down there and take the papers."

Q. And what did you tell the boy about selling the papers?

A. I didn't tell him nothing. He has been selling papers long enough to know what he has to do.

Q. Well, what does he have to do when he sells papers for the Los Angeles Evening Herald and Express?

A. He doesn't have to do anything besides getting the papers off of me and paying me for them. [102]

Q. And in the event that the newsboy wasn't acquainted with the facts regarding the circulation of the paper, what instructions would you give him regarding the price of the paper?

A. What instructions would I give him about the price of the paper?

Q. Yes.

A. Well, they know the price of the paper.

Q. And in the event that he wasn't acquainted with the hours during which the paper appears, what would you tell him regarding the time when he should be on the corner?

A. I never told no boy that ever worked for me

(Testimony of Joe Woods.)

what time he was to be on the corner, or when to quit. They come and go as they please.

Q. And in event a newsboy was not acquainted with what the proper method of display of the Herald and Express was, [103] what would you tell him with reference to that?

A. Mr. Mouritsen, I have never told none of my boys anything around my district. They have all been around there. They know what to do, they are their own boss, and I have never gone around there and bulldozed them or told them to get out and hustle. They came when they felt like it, and they quit when they felt like it, and that is all there was to it. I have never told anybody what time to show up, or what time to quit, as long as I have been around there. There is not one newsboy in my territory that can ever get up here and testify I ever told him what time to show up or what time to quit, or that I ever fired anybody.

Q. Have you ever given any of the newsboys within your district a temporary vacation?

A. No.

Q. Have you ever——

A. (Interrupting) Yes, pardon me. I did one at Third and Main, Mack—he is dead now—for being drunk. I just told him he couldn't handle my papers any more, and then they came down to see me a couple of days later and I said "All right, Mack, go back to work and behave yourself," and that is the only time.

Q. And that is the only occasion?

(Testimony of Joe Woods.)

A. That is all.

Q. Did you ever give an enforced vacation to Harry Relish? [104] A. Harry Relish?

Q. Yes.

A. Harry Relish never worked for me. Harry Relish works on Fifth and Spring. That ain't my territory.

Q. Did you ever take Harry Gish off of a spot and tell him he couldn't sell there any more?

A. Harry Gish?

Q. You have no such recollection?

A. No. If I would see him I would know who he is and I could tell you.

Q. But your testimony is still that you have never fired anyone off of a corner? A. No.

Q. Or any other spot? A. No. [105]

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Tuesday, June 11, 1940

Met, pursuant to adjournment, at 9:30 o'clock A. M.

[108]

Mr. Compton: If the Examiner please, before we get into that matter, I would like to advise you that I have this morning filed, and Mr. Mouritsen and I have signed, an amendent to our brief statement of facts, which I would like to present for the record. At this time Mr. Mouritsen has them.

Mr. Mouritsen: If the Examiner please, if this

may be marked Board's Exhibit 2-A for identification.

(Thereupon, the document above referred to was marked as Board's Exhibit 2-A for identification.)

Mr. Cosgrove: May it be stipulated the same ruling be made on the objection by the Los Angeles Times to Exhibit 2-A as was made to Exhibit 2?

Mr. Mouritsen: Perhaps I had better make my offer first.

At this time, Mr. Examiner, I will offer as Board's Exhibit 2-A the document that heretofore has been marked Board's Exhibit 2-A for identification, and such document is an amendment to the agreed statement of facts that is already in evidence, I believe, as Board's Exhibit 2.

Trial Examiner Kennedy: And is it with the same proviso as Board's Exhibit 2 as to the application to other parties?

I believe you limited your offer.

Mr. Mouritsen: I will limit the offer in this instance [109] as I did my offer in Board's Exhibit 2.

Trial Examiner Kennedy: Is there any objection to that limitation?

Mr. Cosgrove: No objection.

Trial Examiner Kennedy: It will be received in evidence with that limitation.

(Thereupon, the document above referred to

was received in evidence and marked as Board's Exhibit No. 2-A.) [110]

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WILLIAM J. HARRISON

recalled to the stand by and on behalf of the National Labor Relations Board, having been previously duly sworn, was further examined and testified as follows:

Direct Examination

Q. (By Mr. Mouritsen): Now, Mr. Harrison, I desire at this time to again go into the matter of these men who work for the paper, whom you term wholesalers, and who are indicated in the petition as check men. [112]

Could you outline briefly their connection with the paper and the duties that they perform for the paper?

A. Yes. I think we have it here, Mr. Mouritsen, and if I may be permitted to read this——

Q. (Interrupting): Yes.

And for the record, Mr. Harrison is reading from a general statement furnished the Labor Board with reference to these people some time ago.

A. (Reading document): "By an arrangement convenient to the paper and profitable to the

(Testimony of William J. Harrison.)

newsboys, who may be on a full time corner, schoolboys are instructed to go to the wholesaler convenient to their selling place and get their allotted number of papers. These full time newsboys, in so far as their services in distributing newspapers to the schoolboys are concerned, are termed 'wholesalers.' These wholesalers hand over to the boys who come to the corner for such purpose the newspapers such newsboys buy and are to sell.

"Wholesalers may be employed for this purpose by the Los Angeles Evening Herald and Express or by a dealer. If employed by the Los Angeles Evening Herald and Express, the wholesaler hands over the papers to the boys for the account of the Los Angeles Evening Herald and Express. If employed by a dealer, he hands over the papers to the boys for the account of the dealer. The wholesaler receives in each instance a flat wage for the stipulated service, either from the [113] Los Angeles Evening Herald and Express when he hands over papers for it, or from the dealer, when he hands over papers for him, and does not receive any commission or bonus dependent on the number of papers he thus hands over to the newsboys. The wholesaler has no discretion as to whom he will hand the papers to, but follows the instructions of his employer, namely, the Los Angeles Evening Herald and Express or the dealer, as the case may be.

"In the event he is employed by the Los Ange-

(Testimony of William J. Harrison.)

les Evening Herald and Express for these services, his instructions will come from a particular employee of the Los Angeles Evening Herald and Express termed a 'district manager.' In the event he is employed by a dealer, his instructions come direct from the dealer.

"The wholesaler collects the purchase price of the newspapers he hands over to the newsboys for and on account of his employer, that is, the Los Angeles Evening Herald and Express, or the dealer, as the case may be, and does not pass upon credit risks and is not responsible for and does not assume credit losses. These duties constitute the wholesaler's only employment, and these services are rendered apart from and have no connection with the wholesaler's own independent business of selling newspapers and magazines on his own account and risk. [114]

Now, Mr. Harrison, by virtue—does that statement you have read outline correctly the position that these wholesalers occupy with reference to the Los Angeles Evening Herald and Express?

A. That is true.

Q. Now, directing your attention to the instructions as outlined in the statement that you have read, how are those instructions conveyed to these wholesalers or check men?

A. By the district manager in charge of that territory.

Q. These wholesalers or check men appear upon

(Testimony of William J. Harrison.)

the payroll of the Los Angeles Evening Herald and Express? A. They do.

Q. The same as the district managers or any other employees; is that correct?

A. They do.

Q. And are not these wholesalers or check men instructed to be on their corners at a certain time so they can obtain the papers they are to hand out to other people?

A. Wholesalers are, as a rule, men who are on full time corners. They know when the editions come out, and they know when they should be on their corners.

Q. And if they do not appear on their corners, when they should appear, what occurs then?

A. If the wholesaler is absent from his corner at the time [115] he should supply boys with newspapers, our district manager performs the duties.

Q. And what occurs with reference to the wholesaler or check man if he fails to perform those duties?

A. If he is regularly absent from his corner, we instruct him that unless he can attend to the duties for which we pay him that he will have to get another wholesaler.

Q. And such wholesalers or check men do not determine the number of papers that they pass out to the other newsboys, is that correct?

A. In the residential section, no; in the downtown area they do.

(Testimony of William J. Harrison.)

Q. And will you outline what you mean by the downtown area, please?

A. Well, that is the central business part of the city.

Q. Could you give that any geographical description?

A. Not with certainty, Mr. Mouritsen. I may be a little off in my boundary lines, but my impression is that that runs from First to Pico, and from Figueroa to Los Angeles.

Q. And that, in general, is the area that comes under the supervision of Mr. Davey Bell, who was here yesterday; is that correct?

A. That is true. [116]

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## GORDON F. NORTON

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

### Direct Examination

Q. (By Mr. Mouritsen): Where do you reside, Mr. Norton?

A. 1853 Nichols Canyon Road, Hollywood.

Mr. Mouritsen: May this be marked for identification as Board's Exhibit No. 3?

Mr. L. B. Binford: What is that that is marked Board's 3 for identification?

(Testimony of Gordon F. Norton.)

Mr. Mouritsen: I will show you in just a minute, after it is marked.

Mr. L. B. Binford: Thank you.

(Thereupon, the document above referred to was marked as Board's Exhibit No. 3 for identification.)

Mr. Mouritsen: Mr. Compton, you are familiar with this, but let the record show I am handing the document marked Board's Exhibit 3 for identification to counsel.

(The Exhibit referred to was passed to counsel.)

Q. (By Mr. Mouritsen): Now, Mr. Norton, I will show you the [118] document that is marked Board's Exhibit 3 for identification, and ask if you prepared that document? A. I did.

Q. I will ask you if in the preparation of that document you had access to the payrolls of the Los Angeles Evening Herald and Express?

A. I did.

Trial Examiner Kennedy: I think you might qualify the witness as to his connection with the case.

Mr. Mouritsen: Mr. Examiner, at this time I desire only to go into the matter regarding the preparation of this document, and I think I can lay a foundation without going into a wide field, and if the Examiner permits, I will proceed along those lines.

(Testimony of Gordon F. Norton.)

Trial Examiner Kennedy: What is your occupation, Mr. Witness?

The Witness: I am an agent for the Evening Herald Express.

Trial Examiner Kennedy: And how long have you had that position?

The Witness: Probably three and a half years.

Trial Examiner Kennedy: Proceed.

Q. (By Mr. Mouritsen): I note on the lefthand side of the paper a number of names under a column headed "Name."

Will you explain what those names are? [119]

A. That is the name of the person who receives or should receive the check designated under that name, by the Evening Herald and Express.

Q. I see.

Then is it correct to say that all of those in the lefthand column are check men or wholesalers of the Los Angeles Evening Herald and Express?

A. On this page all except one of them are.

Q. Will you indicate on that page which isn't?

A. The one listed here who receives a check for handling complaints for Mr. Gratz.

Q. I see.

And that name is August Peterson?

A. Yes, August Peterson.

Q. Now, on—if I may number these pages for convenience and reference; I will just number them in the order in which they appear, if that is satisfactory, down on the right-hand corner. There

(Testimony of Gordon F. Norton.)

are nine pages. I have numbered from 1 to 9.

A. There is one more name on that page, Jessie L. Moore, who receives a check for janitor work at Mr. Gratz' branch office.

Q. And what is the name?

A. Jessie L. Moore.

Q. Oh, you gave that name, Jessie L Moore.

A. Yes. [120]

Q. In the second column from the left, there appears the heading "Location," and a number of addresses appear under that.

Will you explain what those addresses are?

A. That is the location on which they perform the duties of a wholesaler for the Evening Herald and Express.

Q. And in the third column from the left, which is headed "Amount," or amount abbreviated, "of check," appears a number of figures.

Will you explain, please, what those figures are?

A. That is the amount of compensation they receive for performing such duties.

Q. And that indicates dollars and cents; is that correct? A. Yes.

Q. In the next column from the left, which is headed "Approximate Number of Boys," appears various numbers. Will you explain what those numbers are, please?

A. That is the approximate number of boys to whom these men wholesale papers.

Q. And in the last column on the right, which

(Testimony of Gordon F. Norton.)

is headed "Branch Manager and/or District Manager," appears a number of names. There appear to be two columns of names. To the left first appears "James M. Gratz; and who is he? Is that the branch manager——

A. (Interrupting): Mr. Gratz is the branch manager of the [121] branch.

Q. And these names appearing to the extreme right on the document are district managers who work under Mr. Gratz' supervision; is that correct?

A. That is correct.

Q. On page 2 of Board's Exhibit 3 for identification appear the same headings.

Is the information you have given us regarding page 1 also true concerning page 2?

A. That is true of page 2: There are no exceptions on page 2.

Q. They are all check men or wholesalers; is that correct?

A. They are all check men or wholesalers.

Q. On page 3 are all of those men check men or wholesalers and is the other information the same as you have given us regarding page 1; that is, of Board's Exhibit 3 for identification?

A. The information is the same. There are no exceptions on this page.

Q. On page 4 appear three names under the same headings as on pages 1, 2 and 3.

Are all of those men who appear on there check men or wholesalers?

(Testimony of Gordon F. Norton.)

A. The three men at the top of the page are wholesalers.

Q. Now, on the next portion of the page, that is, under the [122] three names, appears the heading "All Day Hustlers—No Check."

Will you please explain what those names indicate?

A. These are the names of men who have main spots or all day spots but who do no wholesaling work or receive a check from the Evening Herald and Express.

Q. And when you say "all day hustlers," what does that mean?

A. It means that they start to work on one of our earlier editions, either the Green Flash or the latest News, or the first Sports, and work from that time on until late in the evening, whenever they desire to quit.

Q. (By Mr. Mouritsen) On page 5 of the Exhibit, that is, Board's Exhibit No. 3 for identification, appear the same headings that appear on page 1.

Are all of those men whose names appear upon that page check men or wholesalers of the Los Angeles Evening Herald and [123] Express?

A. There are four exceptions on this page.

Q. Will you please point out such exceptions?

A. Richard Martinez is a part-time helper.

Q. To whom

A. To branch manager Gordon F. Norton. How-

(Testimony of Gordon F. Norton.)

ard J. Gottengen is a part-time helper under William Davidson. Milton O. Anderson handles complaints for Dave Goetz. Armando G. Perfetto is a helper for George Mosher.

Q. And other than the names you have indicated, all others are the names of men who are wholesalers or check men for the Herald and Express; is that correct? A. That is correct.

Q. On page 6 of Board's Exhibit 3 for identification appear a number of names under the heading "All Day Hustlers—No Check."

Will you please tell us what those names indicate, or what duties they perform?

A. They are all day hustlers comparable to my definition of an all day hustler previously given.

Q. On page 7 of Board's Exhibit 3 for identification appear the same headings that appear on page 1 of said Exhibit.

Are there any names on that sheet, that is, page 3, above the caption "All Day Hustlers—No Check," who do not perform the duties of wholesalers or check men for the Los Angeles [124] Evening Herald and Express?

A. All of the men listed on the upper half of that page are paid to perform the duties of a wholesaler.

Q. And those names appearing below "All Day Hustlers—No Check," on that page 7 of Board's Exhibit 3 for identification, are all day hustlers, as you have explained before; is that correct?

(Testimony of Gordon F. Norton.)

A. That is correct. That is correct.

Q. On page 8 of Board's Exhibit 3 for identification appears the notation, "All Day Hustlers—No Check."

Those men are all day hustlers, as you have previously explained; is that correct?

A. That is correct.

Q. And is that also true of the names appearing on page 9 of Board's Exhibit 3 for identification?

A. That is right.

Mr. Mouritsen: At this time, Mr. Examiner, I offer as Board's Exhibit 3 that document marked Board's Exhibit 3 for identification.

Mr. Cosgrove: Will it be stipulated, Mr. Mouritsen, that it has no application to the Times Mirror case?

Mr. Mouritsen: That is so stipulated.

Mr. Hall: Will it be stipulated it has no relation to the Los Angeles Examiner case?

Mr. Mouritsen: That is so stipulated. [125]

## BOARD'S EXHIBIT No. 3

### SOUTHWEST RESIDENTIAL DISTRICT

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager | |
|---|---|---|---|---|---|
| Arthur H. Frye | Jefferson & San Pedro | 5.30 | 2 | J. M. Gratz | Fracht |
| Lucas Garcia | Vernon and Main | 5.30 | 3 | " | " |
| Charles J. Hinderer | Slauson & Main | 4.80 | 1 | " | Woolsey |
| Samuel Jaffe | 68th and Central | 5.80 | 1 | " | " |
| Solomon Kaplan | Santa Barbara & Vermont | 4.96 | 3 | " | Reinschrieber |
| William Keeler | Manchester & Figueroa | 4.80 | 3 | " | Plotkin |
| Roman N. Kent | 35th and Vermont | 5.80 | 1 | " | Reinschrieber |
| Ray Lambert | Washington & Central | 4.96 | 3 | " | Fracht |
| Andrew C. Lawrence | Jefferson & Vermont | 7.40 | 3 | " | Reinschrieber |
| Arthur A. Lindsley | 54th & Crenshaw | 5.05 | 2 | " | Plotkin |
| William Lloyd | 39th and Western | 4.80 | 3 | " | Reinschrieber |
| Harry L. McLean | Slauson & Compton | 4.80 | 1 | " | Woolsey |
| John D. Martellotti | Florence & Vermont | 5.05 | 4 | " | Plotkin |
| Alfredo M. Mendez | Wash & San Pedro | 5.30 | 2 | " | Fracht |
| Alfred Monje | 7th and Alameda | 6.80 | 2 | " | Brooks |
| Jesse L. Moore | Janitor | 3.00 | | " | |
| Charles W. Parnell | 81st & Vermont | 5.80 | 2 | " | Plotkin |

## Board's Exhibit No. 3 (Continued)

### Southwest Residential District (Continued)

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager | |
|---|---|---|---|---|---|
| August Petersen | Complaints | 1.75 | | Driver for Gratz | |
| Floyd Rinehart | Slauson & Crenshaw | 5.05 | 2 | J. M. Gratz | Plotkin |
| Israel M. Traub | 39th & Vermont | 5.80 | 1 | " | Reinschrieber |
| William B. Wahnish | Sta Barbara & Western | 4.80 | 3 | " | " |
| Glenn L. Whitford | 54th and Vermont | 5.15 | 2 | " | Plotkin |
| Bob Cohen | Sta Barbara & Figueroa | 9.20 | 3 | " | Abel |
| Sam Goldfinger | Vernon & Vermont | 5.05 | 3 | " | Reinschrieber |
| Basil Hale | Manchester & Vermont | 4.80 | 3 | " | Plotkin |
| Jack E. Hill | Jefferson & Grand | 4.80 | 1 | " | Woolsey |
| David Kadish | Manchester & Broadway | 9.00 | 7 | " | Plotkin |
| Sam Kahn | Florence and Broadway | 4.96 | 3 | " | " |
| Carlisle T. Lott | Vernon & Central | 5.26 | 7 | " | Fracht |
| James A. Munro | Vernon & Broadway | 7.00 | 4 | " | Abel |
| Morton Miller | Slauson and Vermont | 6.50 | 4 | " | Plotkin |
| Virgil R. Newell | 54th and Western | 4.96 | 2 | " | " |
| William Parhm | Vernon & Long Beach | 5.80 | 6 | " | Brooks |
| Morris B. Rosen | Ball Park—Wrigley | 5.00 | 10 | " | Abel |

## Board's Exhibit No. 3 (Continued)

### Southwest Residential District (Continued)

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager | |
|---|---|---|---|---|---|
| Francis Rosenthal | Jefferson & Main | 10.00 | 5 | J. M. Gratz | Abel |
| Arthur Stillwater | Vernon & Hoover | 4.80 | 2 | " | Reinschrieber |
| Louis Velasco | Vernon & Avalon | 4.80 | 3 | " | Fracht |
| Walter Weiss | Coliseum | 3.50 | 10 | " | Abel |
| Floyd N. Winters | Vernon & Western | 4.80 | 2 | " | Reinschrieber |
| Sam Alliotta | Slauson & Central | 6.80 | 1 | " | Woolsey |
| Jacob H. Bell | 48th and Western | 4.80 | 1 | " | Reinschrieber |
| Louis J. Broguiere, Jr. | 12th and Central | 6.80 | 1 | " | Fracht |
| John W. Burger | Slauson & Western | 6.40 | 3 | " | Plotkin |
| Frank E. Burns | 12th and Maple | 6.80 | 2 | " | Fracht |
| Eugene Cralego | Florence and Figueroa | 5.50 | 4 | " | Plotkin |
| Carroll R. Doyle | Complaints | 2.65 | 3 | " | Reinschrieber |
| Benjamie Estrada | Olympic & Alameda | 6.80 | 3 | " | Brooks |
| Ralph J. Fernald | Vernon and Figueroa | 4.80 | 3 | " | Reinschrieber |

## Board's Exhibit No. 3 (Continued)

### HOLLYWOOD DISTRICT

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager | |
|---|---|---|---|---|---|
| Richard Thornberry | Beverly & Western | 5.40 | 5 | A. W. Brewster | Vaughn |
| Walter P. Wallace | Melrose and Western | 8.10 | 2 | " " | France |
| Charles Woods | 2nd and Western | 9.00 | 1 | " " | France |
| Ira A. Blakeman | 5th and San Pedro | 1.35 | 2 | " " | Wheeler |
| Elisa M. Browser | 3rd and Flower | 2.00 | 1 | " " | Chance |
| Joe Camargo | Sunset and Figueroa | 3.00 | 5 | " " | Chance |
| Lawrence E. Boyle | Temple and Glendale | 3.50 | 4 | " " | Chance |
| Oscar G. Geiger | 6th and Los Angeles | 1.80 | 2 | " " | Wheeler |
| Melvin Schwab | 6th and Bixel | 1.35 | 1 | " " | Chance |
| George Ahlstrom | 3rd and Figueroa | 10.50 | 6 | " " | Chance |
| Miguel Aranda | 7th and San Pedro | 2.25 | 2 | " " | Wheeler |
| Frank Bengles | Hollywood and Las Palmas | 4.50 | 1 | " " | France |
| Maurice Blacker | " " Vine | 9.00 | 7 | " " | France |
| Sanford Bressman | " " Western | 8.10 | 2 | " " | France |
| John E. Coulter | Beverly & Vermont | 4.50 | 3 | " " | Vaughn |
| Richard P. Crawford | Sunset and Parkman | 2.00 | 4 | " " | Chance |
| Carl A. Erickson | Santa Monica & Vine | 3.00 | 3 | " " | Hepburn |

## Board's Exhibit No. 3 (Continued)

### Hollywood District (Continued)

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager | |
|---|---|---|---|---|---|
| Al. H. Fabricant | Holly & Cahuenga | 10.80 | 4 | A. W. Brewster | France |
| Florentino Fernandez | New Depot | 12.50 | 2 | " | " |
| John Goods | 10th and Western | 5.40 | 2 | " | Beebe |
| Peter Guzman | Wilshire & Western | 7.50 | 5 | " | France |
| Clarence O. Knox | 3rd and Western | 4.50 | 1 | " | France |
| Earl D. Lake | 5th and Los Angeles | 3.60 | 1 | " | France |
| John P. Linowski | Wilshire and La Brea | 8.10 | 4 | " | Wheeler |
| Delmar D. Overstreet | 6th and Western | 9.00 | 3 | " | Jackson |
| John C. Packard | Melrose and Vine | 4.50 | 4 | " | Jackson |
| Arthur C. Price | Sunset and Vine | 5.40 | 3 | " | Vaughn |
| Robert G. Price | Sunset and Highland | 5.40 | 3 | " | Hepburn |
| Edward Richmond | Hollywood and Highland | 9.00 | 4 | " | Hepburn |
| Frank Sarach | Wilshire and Fairfax | 9.30 | 4 | " | France |
| Harold W. Silverman | Sunset and Western | 7.20 | 2 | A. W. Brewster | Jackson |
| Arthur Steuart | Santa Monica and Western | 10.80 | 4 | " | France |

## Board's Exhibit No. 3 (Continued)

### Hollywood District (Continued)

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| **ALL DAY HUSTLERS—NO CHECK** | | | | |
| Louis Zukopp | Hollywood and Vine | | | A. W. Brewster |
| Jack Bentley | " " " | | | " |
| Chas. Barba | " " Ivar | | | " |
| Henry Fritz | " " Cahuenga | | | " |
| Kenneth Hull | " " Wilcox | | | " |
| Harry Leeward | " " " | | | " |
| W. F. Harvard | " " Western | | | " |
| Frank Lewoczki | 5th and Western | | | " |
| Ray Bauman | Wilshire and Western | | | " |
| Joe Coleman | Beverly and Santa Monica | | | " |
| John Harrison | 2nd and Figueroa | | | " |
| Harry Blackwell | 7th and Los Angeles | | | " |
| Austin Twilla | 5th and Maple | | | " |
| Floyd Banor | " " Wall | | | " |
| Leroy Giger | " " Crocker | | | " |
| Henry Morgan | " " Towne | | | " |
| Nick Giger | " " Stanford | | | " |
| Max Spellman | 102 East Seventh St. | | | " |

## Board's Exhibit No. 3 (Continued)

### MISCELLANEOUS RESIDENTIAL DISTRICTS

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| Joseph Kanter | 8th and Vermont | 5.40 | 7 | Gordon F. Norton |
| Richard Martinez | part time helper | 1.80 | | " |
| Fred C. Sowell | Wilshire and Vermont | 1.80 | 4 | " |
| Philip Spampinato | 7th and Alvarado | 7.40 | 8 | " |
| Edward K. Bodoglous | 7th and Union | 1.80 | 4 | " |
| Max Cohen | 8th and Normandie | 1.80 | 3 | " |
| Julian Crutcher | 6th and Alvarado | 4.00 | 6 | " |
| Robert N. Deane | 6th and Rampart | 1.80 | 5 | " |
| Thomas R. Mathews | Brooklyn and Soto | 3.00 | 8 | Wm. Davidson |
| Dale E. Wheeler | Whittier & Alma | 1.00 | 3 | " |
| John Babashoff | Whittier & Boyle | 2.10 | 4 | " |
| Joshua O. Barbee | Whittier and Indiana | 2.00 | 2 | " |
| Salvador R. Duarte | Whittier and Kern | 2.00 | 6 | " |
| Alex M. Galipeaux | 9th and Boyle | 2.50 | 5 | " |
| Howard J. Gottegen | part time helper | 8.00 | | " |
| Brian O'Reilly | Pico and Western | 2.70 | 3 | Hutchinson |
| Rudy H. Pino | 24th and Vermont | 3.35 | 3 | " |

## Board's Exhibit No. 3 (Continued)

### Miscellaneous Residential Districts (Continued)

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| Elbert Renfro | Washington and Vermont | 9.00 | 5 | Hutchinson |
| Milton J. Shepherd | Washington and Figueroa | 6.00 | 5 | " |
| James V. Apice | Pico and Alvarado | 5.00 | 8 | " |
| George Bessonett | Adams and Vermont | 3.00 | 3 | " |
| Joe M. Hogan | Venice and Vermont | 3.35 | 3 | " |
| Alfred N. Huzing | Pico and Vermont | 6.30 | 4 | " |
| Milton O. Anderson | Handles complaints | 5.40 | | Dave Getz |
| Clayton T. Brown | Washington & Rimpau | 5.40 | 5 | Frank Montoya |
| John M. Haack | Pico and Robertson | 5.40 | 4 | " |
| Armando G. Perfetto | Helper for Mosher | 8.10 | | George Mosher |
| Nash Gonzales | General Hospital | 2.70 | 1 | " |
| Charles C. Spiller | 87th and Broadway | 6.00 | 4 | R. T. Brewster |
| | ALL DAY HUSTLERS—NO CHECK | | | |
| Felix Cota | Pico and Norton | | | Frank Montoya |
| Val Lopez | Pico and La Cienega | | | " |
| Joe Acosta | Whittier and Euclid | | | Wm. Davison |

## Board's Exhibit No. 3 (Continued)

### Miscellaneous Residential Districts (Continued)

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| | **ALL DAY HUSTLERS—NO CHECK (Continued)** | | | |
| Mrs. Marian Jameno | Broadway and Griffin | | | Joe Gonzales |
| Howard Morgan | Mayfair Hotel | | | Gordon F. Norton |
| Stan Newberry | 6th and Witmer | | | " |
| Harry Malorrus | Smith's Market | | | " |
| Sidney Malorrus | " " | | | " |
| S. Ferries | " " | | | " |
| Bill Hicks | 11th and Alvarado | | | " |
| Joe Epstein | 9th and Alvarado | | | " |
| M. Nickerson | 7th and Alvarado | | | " |
| Paul Santa Emma | Wilshire and Alvarado | | | " |
| L. Federmeyer | " " " | | | " |
| Paul Barbako | 6th and Bonnie Brae | | | " |
| Frank Tickner | 7th and Francisco | | | " |
| Hilliard Ash | Medical Bldg., Wilshire and Alvarado | | | " |
| Peter Polsky | 6th and Vermont | | | " |

## Board's Exhibit No. 3 (Continued)

### DOWNTOWN LOS ANGELES DISTRICT

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| George Aronson | 4th and Hill | 4.00 | 5 | Dave Bell |
| William M. Axelrod | 5th and Hill | 10.80 | 3 | " " |
| Samuel J. Berman | 9th and Broadway | 8.00 | 8 | Jimmy Austin-Dave Bell |
| George G. Brennan | 6th and Grand | 4.05 | 4 | Solly Epstein-Dave Bell |
| Rubin M. Charon | 7th and Broadway | 8.10 | 7 | Dave Bell |
| Frank A. Crossen | Temple and Broadway | 9.90 | 17 | " " |
| Nathan M. Deutch | 4th and Main | 8.10 | 2 | " " |
| Mike Goldberg | 5th and Spring | 4.05 | 3 | " " |
| Abe Gordon | 5th and Main | 9.00 | 7 | " " |
| Herman Levenson | 8th and Broadway | 8.10 | 4 | " " |
| Abraham P. Marcus | P.E. Depot | 9.90 | 4 | " " |
| Emanuel Miller | 8th and Spring | 5.40 | 4 | " " |
| Oscar G. Ossorio | 11th and Main | 5.40 | 8 | " " Jimmy Austin |
| Willie Schulman | 7th and Spring | 9.00 | 11 | " " " " |
| Gus M. Seder | 6th and Figueroa | 5.40 | 3 | " " Don Pazzula |
| Sam Segal | 5th and Broadway | 10.80 | 5 | " " |
| Leonard Sherman | Subway Terminal | 10.00 | 6 | " " |
| A. W. Spencer | 9th and Figueroa | 1.50 | 3 | " " Don Pazzula |

## Board's Exhibit No. 3 (Continued)

### Downtown Los Angeles District (Continued)

| Name | Location | Amt. of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| | **ALL DAY HUSTLERS—NO CHECK** | | | |
| Ben Rothman | 3rd and Hill | | | Dave Bell |
| Sidney Faber | 3rd and Broadway | | | " " |
| W. Perrson | " " " | | | " " |
| Mike Barrett | " " " | | | " " |
| B. Allen | " " " | | | " " |
| J. Shomow | " " Spring | | | " " |
| Carl Hummel | 3rd and Main | | | " " |
| Louis Goldstein | " " " | | | " " |
| H. Bentley | " " " | | | " " |
| J. Raut | 2nd and " | | | " " |
| Brown | " " " | | | " " |
| F. Peters | " " Los Angeles | | | " " |
| J. Valdez | Higgins Bldg. | | | " |
| Jim Marcus | 2nd and Spring | | | " |
| H. Stout | " " Broadway | | | " |
| R. Pierson | " " " | | | " |
| M. Klein | " " Hill | | | " |

## Board's Exhibit No. 3 (Continued)

### Downtown Los Angeles District (Continued)

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| | **ALL DAY HUSTLERS—NO CHECK (Continued)** | | | |
| Ed. Bryan | 1st and Broadway | | | Dave Bell |
| M. Onuska | " " Spring | | | " |
| S. Steinman | " " Main | | | " |
| Herman L. Detyan | 7th and Flower | | | " |
| Elmer Bollitt | 6th and Hope | | | " |
| Ed Blodger | 7th and Figueroa | | | " |
| Emma Brockway | 8th and Figueroa | | | " |
| Bernard R. Kearney | 8th and Grand | | | " |
| Ruben Seltzer | 8th and Hill | | | " |
| Jerry Robbins | 7th and Hill | | | " |
| Irving Goldstein | " " " | | | " |
| Jimmy Whitlow | " " " | | | " |
| Albert Gordon | " " Olive | | | " |
| Willie Georgino | " " Grand | | | " |
| Bob Greenberg | " " Olive | | | " |

## Board's Exhibit No. 3 (Continued)

### Downtown Los Angeles District (Continued)

| Name | Location | Am't of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| | **ALL DAY HUSTLERS—NO CHECK (Continued)** | | | |
| Morris Cohn | 7th and Hill | | | Dave Bell |
| Jake Axelrod | " " " | | | " |
| Lester Bruce | 8th and Olive | | | " |
| Fred A. Gibson | " " " | | | " |
| Frank Dolan | 5th and Hill | | | " |
| Charlie Meyers | 7th and Broadway | | | " |
| Dave Small | " " " | | | " |
| Delbert Howell | " " " | | | " |
| Abe Pipesburg | 6th and Broadway | | | " |
| Angeleo Seo | 6th and Broadway | | | " |
| Phil Epstein | 5th and Broadway | | | " |
| Steven D. Breckenridge | " " " | | | " |
| Philip Shanks | 4th and " | | | " |
| W. A. Robbins | " " " | | | " |
| Joe Willie | " " " | | | " |

## Board's Exhibit No. 3 (Continued)

### Downtown Los Angeles District (Continued)

| Name | Location | Amt. of check | Approximate number of boys | Branch Manager and/or District Manager |
|---|---|---|---|---|
| | **ALL DAY HUSTLERS—NO CHECK (Continued)** | | | |
| Ben Schwartz | 6th and Spring | | | Dave Bell |
| Louis Schwartz | " " Spring | | | " |
| Harry Relis | 5th and " | | | " |
| Pat Camoore | " " " | | | " |
| John P. Tierney | 4th and " | | | " |
| Alfred Knutson | " " " | | | " |
| Joe Hines | 9th and Main | | | " |
| James Gallagher | 7th and " | | | " |
| Louis Goldberg | P. E. Depot | | | " |
| Frank Carrier | " " | | | " |
| Phil Bloom | 5th and Main | | | " |
| Lawrence Allen | " " | | | " |
| Milton Newman | " " Olive | | | " |
| Geo. Berman | 9th and Hill | | | " |
| Willie Cohen | 11th " Broadway | | | " |
| Al Schwartz | 8th and Broadway | | | " |

(Testimony of Gordon F. Norton.)

Cross Examination

Q. (By Mr. Compton) Mr. Norton, referring your attention to Board's Exhibit 3, I will ask you if the names of those persons designated on the list as wholesalers were taken from records maintained by the Los Angeles Evening Herald and Express? Were they payroll records or something of that sort? [127]

The Witness: The names on this list were taken from the payroll record of the Evening Herald and Express.

Q. (By Mr. Compton) Now, does the Evening Herald and Express maintain any record of any sort or description of the names of those persons designated on that list as full-time hustlers who received no checks? A. No, we do not.

Q. How did you procure those names?

A. I procured those names from the district men who sell papers to these news vendors, or all-day hustlers.

Q. As far as you know, then, those are the persons who occupy full time corners in the districts of those various district men?

A. That is right.

Q. But you have no record other than the statements given to you by those district men?

A. That is correct. [128]

Q. (By Mr. Compton) At whose request did you prepare this list, Mr. Norton?

(Testimony of Gordon F. Norton.)

A. At the request of Mr. Harrison, circulation manager.

Q. Well, in attempting to ascertain those names about which we are now talking, did you discuss the matter with any of the district men? [129]

The Witness: Yes, I did.

Q. (By Mr. Compton) Did any district man exhibit to you any list which purported to contain the names of persons within his district occupying so-called main spot or full time corners?

A. They did not have the list of those. [130]

Cross Examination

Q. (By Mr. L. B. Binford) In referring to Board's Exhibit 3, is the information obtained with respect to the payroll, or any of the lists thereon, obtained by you from any of the records or the payroll of the Stockholders Publishing Company?

A. No, sir.

Cross Examination (Continued)

Q. (By Mr. Compton) Mr. Norton, recalling your attention to Board's Exhibit No. 3, I will ask you how you procured the [131] names of those persons designated on that list as full time hustlers receiving no checks?

A. It was necessary for me to go to the branch manager or the district manager in each case, and ask him to give me a list of his full time or all day hustlers. He did not have any list, so he prepared it for me.

(Testimony of Gordon F. Norton.)

Q. (By Mr. Compton) At any time you interrogated such branch manager, did he at that time have any such list, list in writing, or have any list or record of those persons? [132]

A. No, sir.

Mr. Mouritsen: I will object to that as immaterial and no foundation laid.

Q. Did you interrogate any district managers at the time when you were preparing this list?

A. Yes, sir.

Q. Did any such branch manager have prepared or in his possession or among his records any list of any persons designated as occupying a full time corner? A. No, sir.

Q. Mr. Norton, do you know of your own knowledge how the names of those persons were procured? Just answer yes or no.

A. That is rather a hard question to answer.

Q. You are unable to answer the question, Mr. Norton? A. That is right.

Q. Did you observe personally the preparation of any of those lists by any district man or branch manager? A. Yes, I did.

Q. Can you recall any branch manager or district manager whose efforts in the preparation of such a list you observed? A. Yes, sir. [133]

Q. Who was that?

A. William Davidson for one; Frank Montoya for another.

Q. Will you state what you observed in their manner in the preparation of that list, how they

(Testimony of Gordon F. Norton.)

prepared it? Will you answer that question first as to Mr. Davidson, and then as to Mr. Montoya?

A. I asked Mr. Davidson to give me the list of his all day hustlers. He said that he did not have any such list, but that he would prepare it for me. I then watched him sit down and make a list of the corners that were covered all day, and in one or two cases he did not know the name of the boy; in other cases he did not, but he said that he would get the name for me.

Q. How about Mr. Montoya?

A. In Montoya's case it was very similar. He was not sure of the names of one or two of the boys, and he had to go over the list according to location, first, and then find out the name of the boy on that location.

Q. Is it your recollection that either Mr. Davidson or Mr. [134] Montoya knew the names of the majority of the persons occupying those corners?

A. I feel that they did know the names of most of the men who had been on the—who were on their corners in their district.

Q. Recalling your attention to the persons you named as—you designated as exceptions on that list as August Peterson, Jesse L. Moore, Richard Martinez, Harry J. Gottegen, Milton O. Anderson, Armando Perfetto; are those persons hustlers?

A. To my knowledge, they are not hustlers.

Q. Do any of them perform services as wholesalers—of the six men I am referring to?

A. To my knowledge, they do not.

(Testimony of Gordon F. Norton.)

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Norton, directing your attention to the name of August Peterson, followed by the word "Complaints" on page 1 of Board's 3, is it true that Mr. Peterson received $1.75—check in the amount of $1.75 from the Herald-Express? A. That is true.

Q. Is that per day, per week, or per what?

A. That is per week.

Q. And you obtained this information regarding Mr. Peterson from the payroll records of the Evening Herald and Express; [135] is that correct?

A. I obtained the name of August Peterson from the payroll records of the Evening Herald and Express, in the fact that he handled complaints for Mr. Gratz.

Q. And the amount of his compensation?

A. That is on the payroll.

Q. Of the Herald-Express?

A. That is right.

Q. Mr. Peterson handles complaints.

What does that signify, if you know?

A. Frequently people will call up and say that they did not get a paper in Mr. Gratz' branch, and this man Peterson will then deliver the paper to them. There will be a few of those calls in an evening.

Q. Is that with reference to the street sale or home delivery?

A. That is in reference to home delivery.

Q. And with reference to Mr. Jesse L. Moore

(Testimony of Gordon F. Norton.)

on page 1 of Board's Exhibit 3, you obtained the fact that he obtains a check in the amount of $3.00 a week from the payroll records of the Herald-Express; is that correct?

A. That is right.

Q. And with reference to these other men who you have named as exceptions, you obtained the information regarding the amount of compensation they received from the payroll records? [136]

A. That is correct.

Q. Now, in describing the method by which you procured the names of the hustlers from the district managers, I believe you stated that they went over a list of location; is that correct?

A. That is not correct.

Q. Approximately how many of these district managers did you confer with in the preparation of Board's Exhibit 3?

A. I would say approximately five.

Q. How many branch managers?

A. I included branch managers in that. I am sorry.

Q. A total of five branch managers and district managers? A. Yes.

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## WILLIAM J. HARRISON

recalled to the stand by and on behalf of the National Labor Relations Board, having been previously duly sworn, was further examined and testified as follows: [137]

(Testimony of William J. Harrison.)

Direct Examination

Q. (By Mr. Mouritsen) Mr. Harrison, directing your attention to Board's Exhibit 3, the third column from the left, you will note a number of figures indicating a certain amount of money. You will note that these figures vary considerably.

A. Yes.

Q. And it has been testified that that is the amount of compensation paid these wholesalers or check men. A. Yes.

Q. Will you please explain the reasons for the difference in the amounts paid these check men or wholesalers?

A. The importance of the corner has something to do with it, the time that the wholesaler is actually engaged in wholesale service, and the fact that his compensation is based upon the Wage and Hour Act for the number of hours that he actually works as a wholesaler.

Q. And the determination of the amount of compensation that he receives is determined by the Herald and Express; is that correct?

A. Indirectly. It is determined by his immediate superior.

Q. The district manager?

A. The district manager or the branch manager.

Q. And they recommend to you the amount that these men are to receive; is that correct? [138]

A. Not as individuals. The payroll changes are made and the payroll approved by myself, as a whole.

JAKE M. GRATZ

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Trial Examiner Kennedy: Your full name, please?

The Witness: Jake M. Gratz.

Q. (By Mr. Mouritsen) Where do you reside, Mr. Gratz? A. 521 Woodruff Avenue.

Q. In the City of Los Angeles? A. Yes.

Q. And what is your business or profession?

A. I am branch manager for the Los Angeles Evening Herald and Express.

Q. How long have you held that position?

A. About—a little over 14 years.

Q. And you are at present branch manager in what is known [139] as the southwest district?

A. Yes, sir.

Q. Could you describe briefly the geographic bounds of that district?

A. Well, on the west side of town I go from Jefferson Street to Manchester, and from Broadway to Crenshaw Boulevard; and in the east part of town I go down as far as 12th Street, down to the River and over to Manchester Boulevard on the south.

Q. And does all of that territory lie within the city limits of Los Angeles? A. Yes.

Q. What are the names of the district man-

(Testimony of Jake M. Gratz.)

agers who work under your supervision in that district?

A. Well, there is Ernest Brooks, Jack Fracht, Bernard Reinshieber and Harry Plotkin.

Q. Is that all of them?

A. That is all.

Q. What, if any, work does a man named Abels do for you, or Abel?

A. Well, Abel is more or less my assistant, and he handles—he is usually a relief man if anyone is sick, and he takes charge of special events like the Coliseum when they have big football games or any special features over there, and he looks after the baseball park and things like that of a spe- [140] cial nature that come up.

Q. And does a man named Harrison work out of your office?

A. Harrison? No, he doesn't work out of my office.

Q. Now, who places these boys upon the various corners within your district? Do you do that?

A. No, the district manager.

Q. As a general practice, during what hours are the papers sold in your district?

A. Well, they have regular press times. Some days the presses are later and some days they are earlier; never any certain time. I get my papers some mornings at ten after 10:00 and some mornings, I may get them at twenty minutes to 10:00. There is an established press time as a rule.

Q. Do you have any instructions from the circulation department regarding the hours at which

(Testimony of Jake M. Gratz.)

you are to have representation of the paper in your district?

A. No, I don't have no instructions as to that. [141]

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ALBERT W. BREWSTER

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Mouritsen) Where do you live, Mr. Brewster? A. 901 Balboa Drive, Arcadia.

Q. What is your business or profession?

A. I was district manager first, and a branch manager now.

Q. For the Herald-Express?

A. That is right. For the Los Angeles Evening Herald-Express.

Q. How long have you been a district manager?

A. I have been a branch manager for 15 years.

Q. And in what district are you now a branch manager?

A. What is known as the Hollywood Branch district, which extends from the Los Angeles River bed to Los Angeles City proper, and then skips from there to Beverly Hills district, a straight chute through on perhaps Wilshire Boulevard, straight through to Beverly Hills.

Q. And what is the northern boundary, if there is one?

(Testimony of Albert W. Brewster.)

A. The northern boundary would be the Hollywood Hills, or perhaps it is indefinite; north of Sunset Boulevard and midway between Riverside Drive. There is a district in there that is cut and it is irregular. There is no line to be follow- [142] ed particularly.

Q. What are your duties as branch manager for the Evening Herald-Express?

A. To oversee the district managers, take care of accounts for the Evening Herald Publishing Company, keeping them straight for the district men and for the company; that responsibility is mine; and to see that the newspapers are properly taken care of in the area considered the Hollywood Branch.

Q. And what do you mean when you say that your duties include seeing that the newspapers are "properly taken care of"?

A. Seeing that the district men start on their times, on their routes, seeing that their corners are filled properly through them.

Q. And what do you mean by your statement that you are seeing that the corners are properly filled?

A. They report to me during the day that things are running right. They come into the branch office and report that way.

Q. Well, what does that——

A. (Interrupting) If there is anything out of the ordinary, they take care of it—if it is called to their attention, they take care of it.

(Testimony of Albert W. Brewster.)

Q. Well, is that anything out of the ordinary in the circulation—— [143]

A. (Interrupting) That is not.

Q. (Continuing) ——of the——

A. That is not. That is the regular routine.

Q. Well, please explain what you mean by their coming in and telling you that things are all right. They are all right with reference to what?

A. With reference to the work that they are supposed to do.

Q. All right.

Now, what work are district managers supposed to do?

A. The same as any other district managers. Seeing that the corners are supplied with papers, that the wholesalers have the proper amount of papers so that they may wholesale properly to the boys on those corners.

Q. What other duties do the district managers have?

A. That is the limit of their—except for the collection of the money.

Q. During what hours do they work in your district?

Trial Examiner Kennedy: Was the last question answered?

The Witness: Not yet. Forty hours a week.

Q. (By Mr. Mouritsen) And is that a 5-day week or 4? A. That is a 6-day week.

Q. And during what periods of the day are district managers [144] supposed to see that the paper

(Testimony of Albert W. Brewster.)

is properly displayed and represented in that district?

A. Mainly during the busy time of the day when the larger sale is to be made, reporting in at noon, perhaps, and quitting at 7:00 o'clock in the evening —something of that order.

Q. And in your district you require that the papers be displayed as represented during those periods?

A. Displayed in the usual way, yes. The usual way.

Q. What do you mean by "the usual way"?

A. There is an agreement having been made between the Evening News and the Evening Herald-Express in which the Evening Herald is carried on the inside of the boy's arm; the Evening News is folded and displayed on the outside; and that is the condition under which we work.

Q. Your instructions to the district managers are to see that those conditions are carried out; is that true? A. Yes.

Q. They check the newsboys upon that display, is that correct?

A. Well, it is the customary procedure to see that the display is made properly in that manner, so that the two papers get what we consider an even break.

Q. And as a matter of fact, isn't that agreement to the [145] effect that the Heralds are to be held out in the right hand of the newsboy?

A. I know of no such rule.

(Testimony of Albert W. Brewster.)

Q. Will you explain therefore more fully the understanding that you have of the manner in which the newsboys are to display the respective papers?

A. I have already explained to you as far as I can. They are displayed one upon the other—one folded and the other open.

Q. Now, which paper is to be folded?

A. The Evening Herald remains upon the inside, open.

Q. By the inside, what do you mean?

A. Inside the arm next to the body, and the News on the outside of that.

Q. And it is to be folded; is that correct?

A. The News is to be folded, yes.

Q. How is that folded? In what manner?

A. That is not anything concerning me, and I do not know. It can be folded front page out or inside; it makes no difference to me on that score. There are no orders given on that that I know of.

Q. Now, with reference to the time that the district managers make their first coverage of their districts, what, in general, is that time?

A. Do you mean the district men, their duties to start at a [146] certain time, or do you mean that the papers have been there before the district men go to work?

Q. In general, what time do the district men make their first coverage of the various districts?

A. Perhaps 2:00 o'clock in the afternoon.

Q. Who are your district managers?

A. C. M. Wheeler, H. E. Beebe, William Chance,

(Testimony of Albert W. Brewster.)

Fred Barrows, L. K. France, H. J. Hapburn, F. E. Brya, William Jackson, Ed Vaughn.

Q. Now, do all of your district managers make their first—cover their districts for the first time at 2:00 in the afternoon?

A. Approximately, yes.

Q. Are there any instances in which the district managers cover their districts prior to 2:00 o'clock in the afternoon?

A. Probably Saturday morning only, unless in the case of an emergency when the newspapers are running extras, or something of that order. Then they would, as in a case, say, like yesterday, for instance; a man would go to work perhaps two hours earlier in the period.

Q. (By Mr. Mouritsen) I mean a case such as yesterday.

When they go to work two hours earlier, how are the newsboys notified as to the time when the newspapers will be dis- [147] tributed by the district manager?

A. The newsboys have their regular time there, are already on the corner; the boys are already on the corners and the district man supplies their wants when a case of yesterday—such as yesterday happens.

Q. Well, is your testimony to the effect that the newsboys are all on their corners prior to two o'clock in the afternoon?

A. As a rule, those that are all-day men are on those corners.

(Testimony of Albert W. Brewster.)

Q. And how long prior to 2:00 P. M. are they usually there, then?

A. Well, press time starts downtown, it is quite a distance to go until they first pick up mine; perhaps 10:30, I will say, is the starting time as a rule. There is no set rule for them. They are on their own. It is up to them to be there if they want to make any compensation for themselves.

Q. When do the district managers take the papers around the first time?

A. That approximately is around 2:00 o'clock. The papers have been delivered through a system of delivery up to that time without the supervision of the district managers. Does that clarify your point?

Q. That is what was bothering me. What is your method of distribution that takes place from approximately 10:00 or [148] 10:30 until 2:00 o'clock, in your district?

A. That is all pre-arranged. They know exactly what they will sell within a given time up until the rush period, and that is delivered to their corners and they can come and pick them up at any time and sell them. There is no set time for them to pick them up. They are laid for them, and if they can sell them, it is their business to sell them. They are laid there for them on pre-determination by——

A. Through cooperation of the man on the corner and the district manager. They know about what their needs will be and the number of papers needed

(Testimony of Albert W. Brewster.)

is articulated and they are dropped on the corners for them.

Q. By whom or by what person?

A. By the district man—what do you mean? Dropped on the corners?

Q. Yes. Who puts the papers out in your district between 10:30 in the morning and 2:00 in the afternoon?

A. Well, it is pre-determined between the district man and the wholesaler on the corner just what that corner will do in those hours, and supervision is not needed on those sales. Those papers are dropped on regular order to those corners.

Q. I am not interested in the supervision at this time. I want to know who takes those papers around between 10:30 in the morning and 2:00 o'clock in the afternoon? [149]

A. A regular delivery service that drops them on a stipulated drop order, That order don't vary.

Q. What is the means by which they are dropped there?

A. Those are regular drivers that drop those there. They are not district men; they are regular drivers.

Q. And in the event that the newsboy is not on his corner when those papers are delivered, what occurs, so far as you are concerned?

A. Nothing occurs. The boy has no set time to arrive at those corners. He is not ordered to come at any set time. The papers are there that he has agreed should be sold on those orders, and he gets

(Testimony of Albert W. Brewster.)

there in his own good time whenever he feels he wants to get there. 10:30 could be the approximate time.

Q. In the event he is not there, which has occurred in your experience, has it not——

A. (Interrupting) That is right.

Q. And recently?

A. Yes—just now, in fact.

Q. What happens to those papers?

A. Well, as a rule the wholesaler will know a day in advance whether he wants to be off that corner. He asks for relief for that day or that portion of the time of the day he wants relief, and we have someone there to sell them for him. The profit then goes to the man selling the papers and not to [150] the man off the corner, and that is the request purely of the man on the corner.

Q. And in the event the papers are delivered and the newsboy does not appear to obtain them, and the papers are stolen, what do you do then?

A. The district manager and myself, we adjust that. If the papers aren't there, the boy simply can't sell them. We credit him for the papers that did not arrive. If the papers don't arrive you can't charge them. There is no sale for them.

Q. In the event, as it has occurred recently in your experience, that a newsboy has not appeared at the corner at a time when the papers are delivered——

A. (Interrupting) I haven't had any called to my attention recently, no.

(Testimony of Albert W. Brewster.)

Q. Has that occurred in the last several years?

A. Surely.

Q. And what action did you take when that occurred?

A. We attempt to pick up the papers and pass them around to the corners that could help sell them. If any sale is made, we credit that corner with the particular sale. Nobody is held responsible in a case of that sort.

Q. And have you removed any newsboys from their corners for failing to appear?

A. I have not.

Q. You have never done that? [151]

A. I never have, no, sir.

Q. At the present time, are newsboys in your district permitted to return all unsold copies of the paper?

A. That is a question that takes a lot of answering.

Q. Well, answer yes or no.

A. I can't answer yes or no.

Q. You answer yes or no, and then make your explanation, if you want.

A. I will have to answer it No.

Q. They are not? A. They are not.

Q. Now, make your explanation.

A. We are 17 miles in some places from the main printing plant. We have an established order. I mean that is established, that that number of papers are to be dropped on that corner during the

(Testimony of Albert W. Brewster.)

day. The sale has been established and we know from experience what that corner will do. And before the last edition is made of the day, we make the rounds and determine from the boys on the corners whether they need extra papers to carry them on to the time they have in mind of quitting. We supply the extra papers at that time, but the standing order is a permanent order based upon experience.

Trial Examiner Kennedy: Well, now, your principal answer was that they can return unsold copies, or cannot?

The Witness: No. [152]

Trial Examiner Kennedy: They cannot.

The Witness: In this particular case, Mr. Administrator, they are so far from the plant that we cannot make an extra run. It isn't like downtown where you can make an extra run. We have to make the last round so the boys can apply to the plant for the papers necessary to keep the corner supplied; just the amount of papers it takes to finish them during the night. If they have over-estimated their allotment, that is their business. That is where the wholesaling end ends and they pick up.

Q. (By Mr. Mouritsen) Well, in other words, if they have a bad sale, then they are——

A. Well, that is qualified, too. If they have a bad sale, we take the papers back off of their hands and allow them full credit. We allow the man to operate his own business as far as he thinks his

(Testimony of Albert W. Brewster.)

needs and wants are concerned. If we add extra papers to that account, we take them back, whatever he may have left on his hands. Anything extra is taken off the boy. We allow the boy to adjust his order, and it is his business. He can do that the last thing in the day.

Q. Who determines when——

A. (Interrupting) The man on the corner determines that.

Q. I mean, who determines that he shall be given, for example, extra copies above the order?

A. The district man has them available for the men on demand. [153]

Q. Who determines it?

A. There is no determination made except the man on the corner.

Q. Is it your testimony that in no event is a newsboy given extra editions of the paper unless he orders them?

A. What is that question again?

(The question referred to was read by the reporter, as set forth above.)

The Witness: I will say No to that question. The boy may not be on the corner, and papers may be dropped there for him.

Q. (By Mr. Mouritsen) And is it your testimony that in every case where extra copies of the paper are given to a newsboy that he is allowed full returns on those extra copies?

(Testimony of Albert W. Brewster.)

A. It is the Hollywood Branch policy, yes. When he is given extra papers above his order and he can't dispose of them, he gets full credit for them.

Q. And who determines whether or not he shall be permitted returns in the event that he has a bad sale?

A. I determine that, or the district manager, on his recommendation.

Q. How late in the day do the district managers under your supervision work?

A. It varies. The last one, perhaps, is 8:30 at night. They start dropping off from 6:30 to 8:30 at night. I don't believe any of the men go home before 7:00 o'clock in the evening. [154]

Q. At the close of each day, do they check in to the branch office with their collections?

A. No. They check in the following morning, the space between the time they come to work and the time they make their first round in the district, they take time enough to straighten up their accounts.

Q. And when do they make the last reports to you that everything is all right in the district?

A. Well, the last reports I receive are perhaps half past 5:00 or a quarter to 6:00 in the evening. That is the last report I have.

Q. Now, after that time when they make such reports, do they again cover their districts?

A. They do.

Q. And with what edition of the paper, if any, do they do that?

(Testimony of Albert W. Brewster.)

A. They carry the races or 7-Star final at that time of the day.

Q. Do the district managers under your branch in each instance secure the later editions of the paper from the branch office? A. They do.

Q. And after this last time when they take papers around the district, they do not report back to the branch office?

A. Not until the following day. [155]

Q. The papers in your district are furnished to the newsboys at 3 cents a copy; is that correct?

A. That is correct.

Q. Were you district manager or branch manager in the Hollywood District during the year 1937?

A. I was.

Q. Do you recall the time, that is, on or about November 1, 1937, when the price of the Herald and Express to the newsboys was changed?

A. I do.

Q. How was that change in price made known to the newsboys in your district?

A. It was fully publicized for a week that the price change would be made upon this certain date, and they all knew of it, the time it was to be made, and that the new wholesale rate went in.

Q. And when you say it was publicized, what do you mean by that?

A. I mean it was given advertising space. We published a little pamphlet or dodger that we sent around to the boys showing the price.

Q. And do you give any instructions to the dis-

(Testimony of Albert W. Brewster.)

trict managers regarding change in price that they were to——

A. (Interrupting) They were to adjust their orders fully.

Q. The district managers? [156]

A. The district managers were to adjust their orders fully with the boys upon the corners until such time as the order became stable.

Q. At or about that time, namely, November 1, 1937, the newsboys in your district also commenced to handle the News; is that correct?

A. That is correct.

Q. Now, how were the newsboys informed of that fact, if you know?

A. The Evening News took it upon themselves to notify most of our boys of their own accord he was available for them, and they had to make their own contacts, which they did.

Q. Now, did you talk to any of the district managers under your supervision regarding that change?

A. I told the district men that at such a time the Evening Herald newsboys would be allowed to handle the Daily News—the Evening News.

Q. And what instructions, if any, did you give regarding the manner in which the News and the Herald, respectively, were to be displayed?

A. Just as I have stated before, the News folded on the outside, the Herald on the inside.

Q. That is what you told the district managers?

A. That is correct. [157]

After Recess

(Whereupon the hearing was resumed, pursuant to recess, at 1:30 o'clock P.M.)

ALBERT W. BREWSTER,

the witness on the stand at the time of recess, resumed the stand and was further examined and testified as follows:

Direct Examination (Continued)

Q. (By Mr. Mouritsen) Mr. Brewster, these check men or wholesalers are in the main what are known as main spot boys; is that correct?

A. They have the most advantageous corners, yes.

Q. And the expression "main spot boy" is an expression known and used in the business of circulating newspapers, is it not?

A. Well, it may be used in the downtown area; not on the outside.

Q. In other words, that is not——

A. (Interrupting): That is not as a rule on the outside.

Q. But these check men or wholesalers count out papers to the other newsboys who come to them; is that correct?

A. That is right. And keep their accounts so that they know where they stand.

Q. And then at the end of the selling period, they make the collections for the papers they have counted out?

A. That is right. [160]

(Testimony of Albert W. Brewster.)

Q. Now, those check men or wholesalers give the papers to the boys, the other newsboys, and collect for them at the rate of 3 cents a copy?

A. That is correct.

Q. And those boys who receive their papers from the check men or wholesalers get their copies at the same rate as the wholesale price?

A. The established rate.

Q. Other than newsboys or school boys who obtain their papers and sell for only a couple of hours a day practically all the newsboys in the district under your supervision receive checks from the Evening Herald and Express, do they not?

A. No. You mean the wholesaler only receives the check. The wholesalers only receive a check in the Hollywood district.

Q. There are a number of all day hustlers in your district who do not receive it?

A. Some; not many.

Q. In some instances do those all day hustlers count out papers to other newsboys?

A. Not unless he is asked to relieve the man—wholesaler. Not unless he is asked to relieve the man who is on the job.

Mr. Mouritsen: I think that is all.

Cross Examination

Q. (By Mr. Compton): Mr. Brewster, to clarify your testimony [161] of this morning concerning the lapse of time between the beginning of the working day for the district man and the time when papers

(Testimony of Albert W. Brewster.)

are first delivered to corners, will you please explain just exactly how the first edition of the Herald and Express is delivered on any particular day?

A. The established orders for the Green Flash and the Evening News, which are the morning editions, are laid on the corners wrapped or tied for the convenience of the boy when he may arrive on the spot, and that has nothing to do with the district man's job until after 12:00 o'clock. That is made by the transportation department delivery alone, and it is an established order.

Q. Do these bundles bear addresses?

A. Some of them bear addresses. If they are wrapped and rolled from the main plant, they bear addresses. Otherwise it is a predetermined order and is tied up as such, but the driver making the delivery follows the regular list with the boy's name upon it.

Cross Examination

Q. (By Mr. L. B. Binford) In response to one of the last two or three questions, Mr. Brewster, you used the term "Evening News." Didn't you mean the Latest News?

A. Latest News is our second edition. If I said that is the Evening News, it is an error. It is our latest news edition. [162]

Redirect Examination

Q. (By Mr. Mouritsen) This may have been covered, but I am not certain.

(Testimony of Albert W. Brewster.)

These drivers to whom you referred in your last answer or two, from where do they operate?

A. They operate from the branch offices, but in the early part of the morning they operate from the main plant to these different areas into which the papers go at that time.

Q. I see.

And do those drivers also make deliveries to the spots where you have an all day hustler?

A. They make deliveries to all spots that might be over their route.

Q. Now, you have referred to an established order that they deliver.

Will you please explain that term?

A. For the purpose of convenience to the boy upon the corner, we have arrived at a figure for the sale of papers during that allotted time until the next edition, and it is laid there upon the corner waiting for him, and it is pre-determined by him, can be raised or lowered at his will, because there is no supervision of that. It is marked as an established order until such time as he himself changes it. [163]

Q. On that established order—strike that.

When was that order established?

A. Well, as far as I know, or as long as my experience has been there, which has been twenty-eight years, it has been a standing order of that sort.

Q. And on this established order, do I understand correctly that the newsboy is not permitted returns?

(Testimony of Albert W. Brewster.)

A. That is not true. The newsboy is permitted—allowed returns, or a change in his order, at any time that he sees fit.

Q. No. The thing that I desire to find out is, is the newsboy permitted to return unsold copies of this established order in your district?

A. As explained to you before, if the boy has the papers left over in the evening in such quantity that it is necessary for him to ask for credit, yes; otherwise, no.

Q. Well, who determines whether he has sufficient left over that he is justified in asking for credit?

A. I determine that. In the statement to you a while back, I said it is up to me or the district manager to O. K. the credit.

Q. Has the situation arisen where a newsboy has not maintained this established order—has not sold as many papers as experience would lead you to believe the corner could sell?

A. Regularly or occasionally? [164]

Q. Regularly? A. No.

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## PATRICK COMORRE

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

### Direct Examination

Trial Examiner Kennedy: Your name, please?

The Witness: Patrick Camorre, C-a-m-o-r-r-e.

(Testimony of Patrick Comorre.)

Q. (By Mr. Mouritsen) Where do you reside, Mr. Camorre? A. 1808 Kemper Street.

Q. In the City of Los Angeles? [165]

A. Yes, sir.

Q. What is your business or profession?

A. Well, I am—I have been an organizer in the past. At present I am secretary of the organized Newsboys Union.

Q. And during what period were you an organizer for the Newsboys Union?

A. From July, 1938 to July—the latter part of July in 1939.

Q. And when I refer to Newsboys Union, you will understand that in every instance I refer to Los Angeles Newsboys Local Industrial Union No. 75, Los Angeles, California, C. I. O.; is that right?

A. That is correct.

Q. Now, in your position as organizer, did you become familiar with the history of the organization of this Newsboys Union?

A. I have. I may state further that I was working directly under the California State Director of the C. I. O. when the charter was issued to the Newsboys Union.

Q. And that was approximately what date?

A. When the charter was issued.

Q. When the charter was issued?

A. Well, there is two different charters. The name of the organization to the C. I. O. has been changed from time to time. It used to be the C. I. O.,

(Testimony of Patrick Comorre.)

Committee for Industrial Organization; it is today "Congress of Industrial Organi- [166] zations."

Q. When was the original charter issued for the Newsboys organization?

A. Well, I believe—I am not very—I would not say accurately, but I believe it was 1937, probably—well, the latter part of 1937, to be sure.

Q. Now, can you give us briefly a history of the organization of the Newsboys Union?

A. You mean how it is set up?

Mr. Compton: Confining himself, I presume, to his personal knowledge?

Mr. Mouritsen: Yes.

The Witness: Well, the Newsboys Union was organized first by a group of boys that wanted to be organized into an organization. They asked for a charter from the C. I. O. office—to the C. I. O. office, and the regular procedure where there was no International, which in this particular field there was no International, the C. I. O. gave out industrial union charters affiliated to the C. I. O. in Washington, D. C., and that is the way the application for the Newsboys Union was made.

Now, the set-up is something like this in this particular Local——

Trial Examiner Kennedy: Mr. Witness, as long as you are going into that particular narrative, I think dates are very [167] important, so if you will tie up your story with when these particular events happened, I think we would like to have that.

(Testimony of Patrick Comorre.)

The Witness: When the newsboys first organized, it was around approximately in May of 1937, and like I said before, it was sometime later before a charter was issued to them, although they had made application immediately after that. It was the Committee for Industrial Organization—they were affiliated directly to the Committee for Industrial Organization up until the 16th day of November, when there was issued another charter that supplemented the other one——

Mr. Hall: What year?

The Witness: The 16th day of November, 1938. That is when this charter here that is now the Congress of Industrial Organizations was issued to us. This is a photostatic copy of the charter.

Q. (By Mr. Mouritsen) Well, just continue, or tell us what happened in the history of the organization with reference to what newsboys selling what papers organized, and——

A. (Interrupting) Well, the Union was made up of newsboys selling the Los Angeles Herald and Express, the Evening News, the Daily News, the Los Angeles Times, the Los Angeles Examiner, and the People's World.

Q. Do I understand correctly that the Union first received a charter sometime in the latter part of 1937; is that cor- [168] rect?

A. Well, I would say around August or September. I could tell you exactly—it was around about that time, August or September of 1937, when they got the charter.

(Testimony of Patrick Comorre.)

Q. Well, they operated under that charter until November 16 of 1938 when they received the charter under which they now operate; is that correct?

A. That is right.

Q. And the new charter was issued to take care of a change in the name of the organization, that is, from Committee for Industrial Organization to Congress of Industrial Organization?

A. That is correct.

Q. Was there any change in the organization or set-up of the Union at the time when it received the new charter?

A. No, only that there may be some little—as a set-up, no, but there probably were a few little changes in the by-laws that did not amount to a whole lot. It was practically the same set-up, but in order to change the name on the constitution they did make a few little changes that were taken up at that convention, the local industrial unions. [169]

Q. Will you explain, Mr. Comorre, at this time the set-up of the—of the organization of the Newsboys Union with reference to the manner in which it operates, the officers and the various subdivisions, if any?

Mr. Hall: You mean at the present time, Mr. Mouritsen?

Mr. Mouritsen: At the present time.

The Witness: Well, the Newsboys Union is made up of newsboys, as I said previously, that sell these various papers. They have elected officers, which

(Testimony of Patrick Comorre.)

consist of the president, the vice president, secretary —that is, financial secretary—the trustees, sergeant at arms, and executive board members from various units, which are units of the Herald and Express newsboys, which in most cases are the same as the News newsboys, and the—including the Morning News; the News now is changed. Before it was the Daily News and the Evening News, but today we have changed it when the paper made a change and called it all the same thing; the Los Angeles Times, the Los Angeles Examiner, and the People's World unit.

Now, each unit elects an executive board of directors from their unit to represent them on the executive board, with the officers of the Union. [173]

Q. (By Mr. Mouritsen) Now, Mr. Comorre, during the period while you were organizer of the Newsboys Union, did you attend the meetings of that Union? A. I did.

Q. And during that time, at any of these meetings you atten- [178] ded, were various officers of the Union elected? A. Yes, sir.

Q. And from what men were these officers elected? A. From the members. [179]

Q. (By Mr. Mouritsen) And during the period while you were organizer, were there various committees of the Union? A. Yes, sir.

Q. Will you name those committees, please? [180]

The Witness: Well, we have an Organizing Committee, the Sick and Benefit Committee, Sports Com-

(Testimony of Patrick Comorre.)

mittee, Legal Committee, the Activities Committee. I believe that is all.

Q. (By Mr. Mouritsen) And how were the members of these committees put into office—elected?

A. In most instances, elected by the members present at that meeting where it was decided to do that.

Q. And from what body, if any, were such committee members elected?

A. From the members of the Union.

Trial Examiner Kennedy: Let us dispose of this question [181] as to whether or not there is such a Union.

Mr. Witness, is there such a Union?

The Witness: Yes, sir.

Trial Examiner Kennedy: The one that is mentioned in the petition here?

The Witness: Yes, sir. [182]

Q. (By Mr. Mouritsen): Now, Mr. Comorre, do you of your own knowledge know at this time whether there are any officers of the Newsboys Union? A. If there are?

Q. If there are officers? [188]

The Witness: Yes, sir.

Q. (By Mr. Mouritsen): And at the present time, are there any committees of such Union?

A. Yes.

Q. And during the time while you were organizer for the Union, did you in such capacity ever meet with any representatives of the Los Angeles Evening Herald and Express? A. Yes, sir.

(Testimony of Patrick Comorre.)

Q. Did you meet alone or with other people?

A. Other members of the committee, members of the Union.

Q. And what committee?

A. Well, when we met with the H "ald and Express, in most instances it was the Grievance Committee, with the exception of maybe another officer, various other officers of the Union. There was in most cases, and I believe in all, some members [189] that were selling papers for that particular paper.

Q. During what period did you meet with representatives of the Evening Herald and Express?

A. Well, practically immediately after I was sent in as organizer of the Newsboys Union we started to meet with them. I believe I stated before in the record, that was July, 1938. After that time, up until practically July, 1939, I met at different times with various representatives of the Herald and Express.

Q. And during that period, did you meet on more than one occasion? A. Yes.

Q. Could you tell us approximately how many times you met with representatives of the Los Angeles Evening Herald and Express?

A. Well, I would like to understand the question better. Say, for instance, with any representative, any member in the capacity of an employer or representative of the paper?

Q. Well, I will restrict it to any of the executives, including Mr. Harrison or Mr. Keeler. I

(Testimony of Patrick Comorre.)

will first restrict it [190] to those two or any other executives.

A. Yes. Quite a few times we met with them.

Q. Well, can you specify any number?

A. I think I met with them—I was in the—Mr. Harrison, we met about—well, in his presence probably about five times.

Q. And any with Mr. Keeler?

A. I never met with Mr. Keeler myself, but the committee of the Newsboys Union—of course, you are asking me this question. I believe I had better state I never met with Mr. Keeler.

Q. Did I interrupt you there?

A. Shall I continue?

Q. Yes. Continue.

A. But I have met in the presence of Mr. Dunsmore, who is also a representative of the paper, and attorneys for the Herald and Express.

Q. Mr. Compton?

A. Mr. Compton and Mr. Mount; Robert Mount, I believe.

Q. Now, can you just tell us in general what subjects you as an organizer took up with representatives of the Evening Herald and Express on such occasions when you met with them?

A. With Mr. Harrison, it was mostly—when we met with Mr. Harrison, the Committee and myself, it was on the question of grievances; and the first time that I met with Mr. Compton [191] and, I believe, Mr. Dunsmore in regard to the Herald and Express in Mr. Smith's office of the News was on

(Testimony of Patrick Comorre.)

the question of bargaining rights, because we were asking for bargaining rights and we were there to negotiate a contract with the News where Mr. Compton and these people were present. That was one meeting, and previous to that we had met at various times with a number of the representatives from the publishers, all of the publishers, most of the publishers with the exception of the Los Angeles Times; that is, at that time.

Q. Well, then, in order to complete the record, did you, during the period while you were organizer for the Newsboys Union, meet with representatives of the News—that is, the paper published by the Stockholders Publishing Company, Inc.?

A. Yes, sir.

Q. And who were those representatives?

A. Well, Mr. Smith and Mr. O'Brien, and Mr. Reichert—Lee Reichert.

Mr. Mouritsen: Could we have a stipulation regarding the position of Mr. Smith with the News?

Mr. L. B. Binford: Yes, sir.

He is General Manager of the News; vice president of the Stockholders Publishing Company.

Mr. Mouritsen: And Mr. O'Brien?

Mr. L. B. Binford: Mr. O'Brien is circulation manager. His full name is Dutton O'Brien. [192]

Q. (By Mr. Mouritsen): Was there another representative of the News?

A. Lee Reichart was present several times.

Mr. L. B. Binford: He was formerly a street

(Testimony of Patrick Comorre.)

supervisor, but is not with the Stockholders Publishing Company, Inc., at the present time.

The Witness: That is right.

Mr. Mouritsen: Thank you.

Q. And from time to time while you were organizer for the Newsboys Local Union, did you meet with the representatives of the Los Angeles Examiner? A. Yes, sir.

Q. Will you specify, please, those people representing the Examiner?

A. Well, as much as I can remember was Logan and Mr. Black. That is on the question of bargaining and negotiating a contract. And with Mr. Goldberg on the question of grievances.

Mr. Mouritsen: Mr. Hall, may we have a stipulation re- [193] garding the position of Major Logan, who is with the Los Angeles Examiner?

Mr. Hall: This period the witness was speaking about was prior to July, 1939, was it not?

Mr. Mouritsen: I believe so.

Mr. Hall: At that time he was business manager of the Examiner.

Mr. Mouritsen: And Mr. Black during that period?

Mr. Hall: He was circulating director.

Mr. Mouritsen: And Mr. Goldberg?

Mr. Hall: Well, I cannot give you Mr. Goldberg's title, although I know that he was an employee of the Examiner.

Mr. Mouritsen: Thank you.

Q. Now, let me ask you, on these occasions

(Testimony of Patrick Comorre.)

when you met with representatives of the News —the paper published by the Stockholders Publishing Company, what matters were taken up by yourself with the Committee?

A. Well, we were there, and at the time when Mr. Smith was there, and also another representative of the News, and also another representative of the News, and also including representatives of the Herald and Examiner. We asked for the rights to bargain for the Newsboys Union, negotiate a contract. **[194]**

Q. Mr. Comorre, did you on or about December 19th, 1938, have a meeting with a number of representatives of the papers here involved?

A. Yes, sir. I believe that is the date; I would not be certain. **[195]**

Q. And where did that meeting occur?

A. Mr. Smith's office.

Q. Mr. Smith of the News?

A. The News, that is right.

Q. Now, who were present at that meeting representing the Newsboys Union?

A. There was myself as the organizer, and the Committee—what they call the Bargaining Committee.

Q. Will you give us those names, please?

A. Mr. Rothman, Mr. Schwartz, Mr.—there was a person named Fritz; I can't think of his last name. It was just on the end of my tongue.

Q. For the purpose of refreshing your recollection, let me ask you if it was Fred Gibson?

(Testimony of Patrick Comorre.)

A. Fred Gibson. We call him Fritz Gibson. Yes, that's right.

Mr. Cosgrove: What were the first names of the other two men?

The Witness: Ben Rothman, Louis Schwartz, Fritz Gibson. I don't know if A. B. Calls was there or not at that meeting; I don't know. We had some minutes of that.

Q. (By Mr. Mouritsen): Well, for the purpose of refreshing your recollection, let me ask you if Art Page was also present?

A. The secretary of the Union? Yes sir.

Q. Will you tell us who were there representing the various [196] papers? [197]

A. (Interrupting): Well, to be—I will try to remember them as best I can. Mr. Compton was there from the Herald, Mr. Harrison, and one of the Hearst boys. I think it was Wallace Hearst. I don't know if he was representing the Examiner or the Herald, but he was there. Then there was Mr. Logan, and that is all I can remember as far as the Examiner is concerned. I believe it was Mr. Logan. And from the News, it was Mr. O'Brien and Mr. Smith. I don't know if Mr. Dunsmuir was there or not. I believe he was.

Q. Let me ask you if Mr. Powell was there.

Was Mr. Powell there representing the News?

A. The News? Well, I don't remember what the man's name was. There was more than I can remember—a few more, but I don't remember who they were; I don't know their names.

(Testimony of Patrick Comorre.)

Q. (By Mr. Mouritsen): Now, will you tell us, Mr. Comorre, [198] just what was said and done at that meeting, so far as you can recall?

A. Well, as much as I can recall, we started out something like this, I believe, after——

Q. (Interrupting): Will you please, as far as possible, give the name of the person who said anything.

A. Well, O. K.

I started out, I believe—I said, "I guess we might as well get going and get this thing over with."

I said, "I see there is a lot of people here, and according to my letter to the News I was sort of surprised to see them all here because the letter we sent you— I am speaking of Mr. Smith—was for the purpose of negotiating a contract, to meet with us for negotiating a contract, and I came down here today and I find that the whole bunch is here from most of all the papers, and it is the same old story as we have gone through before. We have been meeting with everybody and we have never got nowhere, so we are going to have to start to ask you to bargain with us separately, and then of course"—that is the way the discussion was started.

Well, then there was a question—I think Mr. Compton raised the question, did we—he thought that we was—he was—a letter was sent to him, I believe, by the News notifying them of this matter, that we wanted this particular meeting, and he was under the impression that we wanted to in-

(Testimony of Patrick Comorre.)

I believe the Herald and one of the representatives from the Examiner spoke the same way, to meet with all of them, and I made it very clear that we did not want to meet with all of them at one time, as we have in the past, because we never got nowhere, and from now on we were going to meet separately, either to sit down and negotiate a contract with us or else make out a refusal so we could file a case with the Labor Board and later show reasons why we should be allowed. And then Mr. Compton wanted—I think it was something about a stipulation made that they would—or was it Mr. Smith? I believe—yes, Mr. Smith says that until the newsboys were certified as employees, that he would not agree to negotiate a contract. Now, that is—and I asked him if he would send that refusal to me in writing, and he said that he would. Then, of course, we discussed—then of course we decided that the—I mean—it was probably decided before I made that particular request to Mr. Smith that the other papers would be excluded from that meeting, only as visitors, that they would not participate in anything that might take place there.

And of course, previous to that, Mr. Compton, who was representing the Herald, made it very clear that they would not negotiate a contract until—or consider negotiating a contract until it was decided whether the newsboys were [200] employees by the National Labor Relations Board for bargaining purposes.

(Testimony of Patrick Comorre.)

Q. And did Mr. Logan, or Major Logan, in that case say anything regarding the position of the Examiner in that regard?

A. Not at that meeting, but—not at that meeting. That is what we are—that is the question, I believe.

Q. Well, after that time, did you have any further meetings with representatives of the Examiner?

A. I don't remember exactly if it was after that time, but I know that we had met with Mr. Logan at Logan's office. I was up there at least two times that I know of.

Q. Well, did you ever have a meeting with Major Logan of the Examiner, in which the question of bargaining rights came up or was discussed? A. Yes. Yes.

Q. When did such a meeting occur, if you recall?

A. Well, it was before—it was before the meeting of—that I just spoke of, on December 19th, and I don't remember so well. Maybe it might have been once afterwards, too. In fact, we took up a different question, and we asked him some questions at that meeting with them. Let me rest a little bit and refresh my memory. [201]

Redirect Examination

Q. (By Mr. Mouritsen): During the period while you were or- [206] ganizer for the Newsboys Union, did you in such capacity ever meet

(Testimony of Patrick Comorre.)

with representatives of the Times-Mirror Company, publisher of The Los Angeles Times?

A. I did.

Q. Did you do that on more than one occasion?

A. One occasion with the—well, we will say the executives, and in several instances maybe district men or something like that, to take up grievances, small grievances.

Q. And approximately when did you meet with the executives of the Times-Mirror Company?

A. Well, if we can remember when they made their cut on The Times from four cents to three and one-half to newsboys, it was immediately after that. That was really the purpose of going up there.

Q. (By Mr. Mouritsen): And where did this meeting take place?

A. At the Los Angeles Times, in one of the offices of the [207] Los Angeles Times; I believe it was Mr. Adams' office or someone representing The Times. Mr. Adams, attorney for The Times —I believe that was the name. It was probably at his office, I assume.

Q. Well, it was in The Times Building, where The Times is published?

A. It was in the Times Building; that is right.

Q. And who were present representing the Newsboys Union, besides yourself.

A. Besides myself, there was Mr. Page, who was secretary at that time, and also a Times hus-

(Testimony of Patrick Comorre.)

tler, and Mr. Dyche, who was also a Times hustler, and Mr. Barr, who was at that time a Times hustler.

Q. And who, if anyone were present representing the Times-Mirror Company?

A. Well, I believe it was Mr. Marks, Ray Marks. I believe that is the name he gave, and Mr. Cohen.

Q. Is that Jerry Cohen?

A. Well, I imagine that is who it was. I think that is his name, Jerry.

Mr. Mouritsen: Could we have a stipulation as to the position that Ray Marks holds with the Times?

Mr. Cosgrove: Yes. I will get the exact title. Circulation Manager.

Mr. Mouritsen: And Jerry Cohen? [208]

Mr. Cosgrove: Supervisor of street sales, and Richard Adams is an attorney in the employ of the Los Angeles Times and devotes all of his time to that employment, and has offices in the Times Building at First and Spring.

Q. Now, will you state what was said at that conference, giving as nearly as you can the name of the person making the statement?

A. Well, after we got seated there, we all got seated around, Mr. Adams, I believe, says, "Well, Mr. Comorre, I am afraid that you will have to start off here because we never had much experience with this kind of business, and we are not familiar with what the procedure is."

(Testimony of Patrick Comorre.)

And I said, "Well, I will be glad to," and we started off with the question of taking up the grievances on the cuts on the paper, that is, commissions to the newsboys who were selling the Times. Well, we discussed it back and forward, and it finally ended up after a general discussion on all these particular things, why we thought the newsboys should not have been cut, on account of their earnings were small, and so forth and so on, and it ended up with Mr. Page, I be- [209] lieve he asked a direct question, what was the reason for the cut, and I believe Mr. Adams said, well—a pretty frank question, or admission, rather; he says, "Well, so the Times will make more money."

[210]

I said, "Well, that is what I thought it was for, but I didn't know."

That was about the end of it. And we also mentioned we would like—I think I mentioned something about—I think we took up several little points in regard to some newsboy and we were trying to get along, and they agreed that we should, and I think it was decided—I said, "How will we take up the matter of some small grievances if they arise?"

And I believe Mr. Marks, or Mr. Adams, I don't remember well, but we finally agreed any small grievances could be mentioned to Mr. Cohen or the district men—Mr. Cohen would be glad to iron out any little grievances that arose until such time as we were able to sit down and negotiate a contract

(Testimony of Patrick Comorre.)

and have these things in a contract that would cover those things.

Q. Now, I believe you stated that you had met with Major Logan of the Examiner on other occasions than on this date of on or about December 19, 1938.

A. Yes. We had met before that. I believe the first time [211] that I was representing the Newsboys Union immediately after I became the organizer of the Newsboys Union, with a committee we were down there to see Mr. Logan. We met with this group again of representatives from the various papers at the Examiner office. I am pretty certain it was—yes, it was at the Examiner office. We had also present a man from the Pacific Labor Bureau with us.

Mr. Cosgrove: I discover that we do have here now the exact date on which the price of the Los Angeles Times was changed to the newsboys. It was February 9, 1939 for the daily, and February 26, 1939 for the Sunday.

Mr. Mouritsen: Thank you, sir. I will accept that stipulation, if it is offered as a stipulation.

Mr. Cosgrove: Yes, it is.

Mr. Mouritsen: Thank you.

Q. And, Mr. Comorre, with that information in mind, that is, that the price of the Los Angeles Times was cut on or about February 9, 1939 approximately how long after that time did the meeting take place? [212]

(Testimony of Patrick Comorre.)

A. Well, it wasn't very long after that. We were right after that.

Q. Well, a matter of days or——

A. Well, maybe a week or so, I imagine. I don't know exactly. I know we were pretty hot about it.

Q. Now, where did this meeting take place?

A. Which meeting now?

Q. That is the one that I believe you stated took place in the Examiner office.

A. I believe it was Mr. Adams' or Mr. Logan's office at the Examiner Building down there on South Broadway.

Q. And who were present?

A. Well, there was practically the same group that was meeting pretty regular with us, that is, that had been after that with us. I believe Mr. Harrison was there and Mr. Dunsmore, and I don't remember whether Mr. Keeler was there or not, and Mr. Compton was there, I believe. I believe Mr. Compton was there. I am not so certain about that.

I believe it was one of our first meetings and I didn't know them so well, and I know there were representatives there from the News.

I believe Mr. Smith was there. I know when we got down to business, there was representatives there from the Herald, the News, and the Examiner. I know there was representatives there. I don't recall their names so well, outside of Mr. [213] Harrison and possibly Mr. Compton. I can't remember the other ones' names. I am not sure Mr.

(Testimony of Patrick Comorre.)

Smith was there. I believe Mr. Smith was there, but I know there was representatives from the three papers there.

Q. Do you recollect Major Logan was there?

A. Yes, he was absolutely there.

Q. Will you tell us what was said at that conference?

A. Well, that is a long story. That is when I first came in the picture, just about when I first came in the picture, and the way I understood the newsboys explained to me that they had been meeting—had met several times—once or twice, or more times previously that way, and they never got down to any business; that is, they just met and just discussed everything in general, but they never had asked for any negotiations of a contract, or something like that; and I said, "Well, we'll get down to business," and we agreed there that we were not going to meet like this unless we really decided to get somewhere in regard to a contract, or something like that. And I think it was very shortly—it was not very long—we discussed a lot of things in general, but there was no definite negotiations in regard to a contract or anything like that.

Q. Do you recall anything that was said or done at that conference? [214]

A. Well, I think the question came up about the—I think Mr. Compton raised the question about the jurisdiction. In other words, whether the newsboys were employed. I believe that is where it was

(Testimony of Patrick Comorre.)

first mentioned after I came in the picture, that the newsboys were employees or not, and that they would not agree to negotiate a contract until such a time that they were certified as—that we were certified as employees by the Labor Board to negotiate a contract. I believe we agreed, though, that we could take [redacted] simple grievance which might arise from [redacted] could take it up with Mr. Harrison or Mr.—in fact, Mr. Harrison said we could take it up with him in case they had some grievances arise, that we come down and see him and iron it out in that way until such a time as this came about of certifying newsboys as employees, becoming bargaining agents for the newsboys selling papers. [215]

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Wednesday, June 12, 1940.

Met, pursuant to notice, at 9:30 o'clock a. m. [235]

HARRY PLOTKIN

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

Trial Examiner Kennedy: What is your full name?

The Witness: Harry Plotkin. [237]

Direct Examination

Q. (By Mr. Mouritsen) Where do you reside, Mr. Plotkin?

A. 1831 West 78th Street.

(Testimony of Harry Plotkin.)

Q. In the city of Los Angeles?

A. The city of Los Angeles, yes.

Q. And what is your business or profession?

A. District manager of the Evening Herald and Express.

Q. And who is your immediate superior?

A. Mr. Gratz.

Q. That is Jake Gratz?

A. Jake Gratz, that is right.

Q. And he is a branch manager for the same paper, is that correct?

A. That is correct.

Q. Mr. Plotkin, will you tell us what your duties are in your position as district manager for the Evening Herald and Express

A. Well, my duties consist of supplying the men papers on the corners and collecting from them in the evening and going around and seeing that they are at work and covering the territory in general.

Q. And when you say you go around and see that they are working, you refer to the newsboys; is that correct? A. The newsboys, yes.

Q. Now, what are the hours that you work in your position? [238]

A. I go on duty at one o'clock and I am through at eight o'clock in the evening.

Q. That is one o'clock in the afternoon?

A. One o'clock in the afternoon. Pardon me.

Q. And do you yourself make delivery of papers to the newsboys? A. Partially, yes. [239]

Q. (By Mr. Mouritsen) Now, Mr. Plotkin, will

(Testimony of Harry Plotkin.)

you tell us in general what hours these newsboys work in your district?

A. Well, they generally start around ten o'clock in the morning when the first edition comes out. They know what time they are out, so therefore they are on their corners in the neighborhood of ten o'clock in the morning.

Q. And do you know how delivery is made to the newsboys in your district between the hours of ten in the morning and one in the afternoon

A. Yes.

Q. How is delivery made to the newsboys?

A. By truck drivers.

Q. That is, truck drivers of the Evening Herald and Express? A. No.

Q. Now, when you come on duty at one o'clock, will you outline briefly what you do from that period on through the day, as a general rule.

A. Well, I take my first—I take the Sport Edition, that is the first edition I come to work on that comes out around one o'clock, the time varies a little one way or the other, and I ride around and distribute the papers to the men on the corners, and naturally I see how the papers are going up until the time I come to work, and that is my first duty on the job.

Q. And you ride around and cover the entire territory? A. My district, yes. [240]

Q. Where do you obtain the papers that you deliver in your district?

A. At the branch office at 54th and Figueroa.

(Testimony of Harry Plotkin.)

Q. The branch office of the Herald?

A. Yes.

Q. And Mr. Jake Gratz?

A. That is right.

Q. Now, after you complete the first round with the edition you have mentioned what next do you do?

A. Well, I turn my money in then from the day before's collections. I go in the office and turn my money in from the papers from the day before.

Q. On the first round do you collect from the newsboys?

A. No, I generally collect in the evening, and of course some of them, if I don't collect, I collect on the first round and turn my money in.

Q. Then, as a general rule what do you do after that?

A. Then I ride around again, and then come back in for my next edition.

Q. And at what hour does the next edition generally appear? A. Around 3:30.

Q. And then what do you do?

A. I go out with the papers again and distribute the papers to the corners. That is, part of it; part of it is delivered by truck and part I take myself. [241]

Q. Approximately how long does that take you, as a general rule?

A. About a half hour; 40 minutes.

Q. And then what do you do next?

A. As a general rule—then, of course, I come

(Testimony of Harry Plotkin.)

in again. On the night edition there is two sections of it, so I come in right after I deliver the first load that I get and then make up my boards for the night Final and Races, and then go out with my second load of night editions.

Q. What do you mean by the expression you make up your boards

A. Well, we have galleys for all the corners and with the amount of papers they receive, and of course according to the way papers are going. If they are going real good, in cases like the present with the big stories, naturally they want more papers and I ask the boys how many they can use and give them accordingly. So I change the galleys and make them up every day. They have a standing order they get every day, and if their papers are going right good they want more and I send them more, and if they are not going good they have the privilege of cutting them down, and I cut them down to what I think they can use or what they ask for.

Q. How do you make up this board? Do you prepare that every night?

A. Well, that is on the galley; that has been the stationary way for years, that the corners—well, when I came there it [242] was the same way. A corner has been established that it does so many papers on an average every day, and that amount of papers on the last editions are stable, and we have, like I say, the privilege of increasing or de-

(Testimony of Harry Plotkin.)

creasing when we come in for those last two editions.

Q. And then after you make up the board what next do you do?

A. Well, I go out with my second night edition and deliver those to the men on the corners, and then I ride around to see how they are going, and if they are going real good and the fellows want more papers I have the privilege of calling up and increasing the papers, increasing the number to what they want, and if they are not going I have the same privilege of calling up and cutting the order so they will be able to sell out.

Q. As a general rule, during what hours of the day do you make these two trips around your district with, I believe you said, the night edition?

A. Yes. Well, the first night edition comes out in the neighborhood of around 3:30. Sometimes it will come out at 3:15 or a quarter to 4:00, but it will average around 3:25 or 3:30, the first edition we get out at the branch, and then I come in at about 4:00 o'clock and will go out with the second load, and then my deliveries are through for the day with the exception I go around to see how they are going before I go to my dinner. And then I have an hour for dinner [243] between there.

Q. And then is the next thing you do after dinner to make your collections?

A. Then I make my collections, yes.

Q. And, then, as a general rule what hours do you make your collections?

(Testimony of Harry Plotkin.)

A. I start in around, anywhere from 6:15 to 6:30.

Q. And approximately how long does that take?

A. Well, I wind up at 8:00 sharp. It might be a few minutes one way or the other.

Q. And after the newsboys check in do they then leave the corners?

A. No. As a rule, the men stay out there until 8:00 o'clock the all day men that is there.

Q. That is true of the majority of the men?

A. Oh, yes.

Q. Now, how long have you been a district manager, Mr. Plotkin, in this district?

A. Well, this last stretch I have been with the Evening Herald and Express for ten years.

Q. Have you been out in Jake Gratz' branch during that——

A. (Interrupting) All the time.

Q. And have you handled the same district?

A. The same territory, yes.

Q. Now, from time to time in your work, have the newsboys [244] in your district taken up matters with you regarding their selling papers?

A. I don't understand.

Q. Well, let me ask you this: Are the newsboys in your district at this time permitted full returns?

A. We give them returns, yes, sir.

Q. Well, are they permitted full returns?

A. Well, I would say on the basis you speak, yes, they are practically full returns there. If a

(Testimony of Harry Plotkin.)

man has two or three papers left, why, he doesn't consider that as having any left. He doesn't even want to turn them in.

Q. But in the event he has two or three papers left, he is not permitted to return those and given credit for them, is he?

A. He will get credit if he turns them in, yes.

Q. Well, are the newsboys in your district then at all times given full returns of all papers that they receive? [245]

The Witness: I don't know how to make that statement there. Whenever the men have any papers left, the next morning I pick them up and I give them returns for them, if that is what you mean.

Q. (By Mr. Mouritsen) And is that done in all instances with all the newsboys under your supervision?

A. With all the newsboys under my supervision, yes.

Q. Now, Mr. Plotkin, have the newsboys in your district from time to time taken up the matter of receiving returns with you and discussed that with you?

A. They have never discussed it with me, no, sir.

Q. Was there a time, was there a period during which the newsboys in your district were not permitted full returns? [246]

The Witness: Well, there was a time several

(Testimony of Harry Plotkin.)

years ago when if a man was stuck with papers, if they had a bad day, it happens now and then, there is no human being in the world that can judge how papers are going to go, we would always take care of them; we wouldn't give them full returns, but we would take care of them to a large extent so they wouldn't suffer a large loss. It would be a small proportion of what they had left.

Q. (By Mr. Mouritsen) During that period did various of the newsboys take up with you the matter of receiving full returns?

A. Never, never.

Q. I understand from your testimony, Mr. Plotkin, that the situation is different now than it was at that time; is that correct?

A. That is correct. [248]

Q. Mr. Plotkin, will you tell us what changes took place in your district on or about November 1, 1937, with reference to returns allowed to newsboys? [265]

The Witness: Well, if I may state it my way, the policy of the Herald as far back as I can remember has always been—had always been on a non-returnable basis. That was their policy. [266]

In November in 1937, the price of the paper went up, and due to the fact that there was naturally adjustments, a lot of people could not afford 5 cents, and so the papers fluctuated, so therefore they established a returnable basis, or took care of papers that the fellows had left over until we could

(Testimony of Harry Plotkin.)

get the orders regulated to the present time the way they are now.

Q. (By Mr. Mouritsen) And did you receive any instructions regarding that change of policy on the part of the Evening Herald and Express?

A. In regard to——

Q. (Interrupting) With reference to returns?

A. (Continuing) —returns? Yes.

Q. From whom did you receive any such instructions

A. My superior, Mr. Gratz.

Q. Jake Gratz? A. Yes.

Q. And did you receive any instructions with reference to change in price from 3 to 5 cents?

A. Just through the notice in the paper, which ran several days, that the paper was to be increased to 5 cents.

Q. Did Mr. Gratz ever say to you that the price to the newsboys was to be changed?

A. Well, no, not at the time. It came out. It was stated in the paper so naturally we knew what it was going to be. [267]

Q. The price at which you were to sell papers to the newsboys?

A. No, the price of the paper to be five cents; the price of the paper to the newsboys?

Q. Well, perhaps I confused you somewhat. What I am trying to find out is who—at that time the price of papers to the newsboys was changed from 2 to 3 cents, was it not? A. Yes.

(Testimony of Harry Plotkin)

Q. And what, if any, instructions did you receive from Mr. Gratz regarding that change?

A. Well, I don't quite recall. I think we all were notified that the paper was going to be 3 cents, the increase to the wholesalers, the boys. Of course we knew that the paper would be 5 cents on the street —on the corners.

Q. And did you in turn pass that information regarding the rise in price to the newsboys?

A. Well, they—the boys naturally, when they knew an increase was going to come out, they asked what it would be, and of course I didn't know until I found out, and then I told them that they would make two cents on each copy, so they knew then it would be three cents.

Q. Now, at or about that time—that is, in November, 1937—the Herald and Express newsboys started to handle the News also, did they not?

A. Well, I can't recall what time, because there have been [268] several times that they have handled them.

Q. Do you recall the last time when they started to handle both newspapers? A. Yes.

Q. Can you fix that, approximately?

A. Well, I couldn't say for sure the date exactly. It is——

Q. (Interrupting) Well, was it during the year 1937?

A. It might have been. I wouldn't swear to it.

Q. How were you informed that such was to be

(Testimony of Harry Plotkin.)

the case, namely, that the Herald and Express newsboys thereafter also were to handle the News?

A. Well, we were told that the Herald and Express and News had got together again, and that the boys were going to handle both papers.

Q. From whom did you receive that information?

A. From Mr. Jake Gratz.

Q. What further did he tell you regarding that fact?

A. That was all. He just told us that the two papers were going to be handled by one man.

Q. Now, after that time did you receive any further instructions from Mr. Gratz regarding the consolidation? A. In what respect?

Q. In respect to any phase or feature of the consolidation?

A. No. I don't understand. We were told that the two papers [269] would be handled by one man, and the boys on the corners were to handle both papers, and that was all there was to it. If there is anything further in regard to that, I don't know.

Q. Well, now, have you given us all of the instructions that you received from Mr. Gratz regarding the—that you recall regarding the consolidation of the two papers, the handling of the two papers, by one newsboy?

The Witness: You mean in regard to the display of the papers?

Q. (By Mr. Mouritsen) Yes, in regard to display and other things?

(Testimony of Harry Plotkin.)

A. Well, there was no set rule, the Herald being the size of paper——

Q. I don't want to know what there was not. I want to know [270] what there was.

What were the instructions, not what were not the instructions?

A. Well, I don't know how to answer that. It has always been—a newsboy is generally—will do what we call "get it in the air" and "pitch that sheet" and he does what he has had to do for years, and he holds that paper out all the time, and so by doing that he always held the News on the outside of his papers to give them a break; to give them a display, if that is what you mean.

Q. Let us return to the instructions that Mr. Gratz gave you regarding this display. And will you please tell what his instructions were?

A. I cannot recall whether he gave us any instructions as to how the boys were supposed to handle the papers or not. I can't recall. It just seemed like it was the natural thing to do, for any newsboy that knew how to handle a paper, or hold papers in his hand.

Q. In your district, Mr. Plotkin, was it the newsboys who had formerly handled the Evening Herald and Express who thereafter handled both papers?

A. Yes.

Q. And was that true in every instance?

A. In every instance. [271]

Q. (By Mr. Mouritsen) Do you know who noti-

(Testimony of Harry Plotkin.)

fied the Herald and Express newsboys in your district that they were thereafter to handle the News?

A. I notified them myself.

Q. And did you receive any instructions from Jake Gratz that the Los Angeles Herald and Express boys were to handle both papers after that date?

A. I didn't receive any instructions. Mr. Gratz—Jake Gratz told me that the two papers were to be handled by the one man on the corner, and so it has been done before, and so I knew the proceedings of it, that is all. I was not—I did not need any instructions in regard to that.

Q. Well, do you know who determined, so far as the newsboys in your particular district are concerned, that the Herald and Express newsboys were to handle both papers after the date of consolidation?

A. Yes. If I am permitted to answer that, in my particular district I don't think there was over three News hustlers at the time that were handling the News separately—possibly four at the most. So the men that had been on the corners selling Heralds had been on there for years, so the natural thing was for them to take right over. [273]

Q. Is it a fact, Mr. Plotkin, that the sale of the paper is largely determined by the headline that appears, or the news items that appear in the papers?

A. Well, yes and no. Newspaper sales is a funny thing. Personally, I have been in it myself, and I

(Testimony of Harry Plotkin.)

have seen headlines where I would say they would not sell a paper, and they would go like a house afire, and I have seen a good headline and you couldn't give them away, and so, like I made the statement before, no human being can tell how a paper is going to go from one day to another. So there you are in that respect.

Q. Now, in your district, Mr. Plotkin, do you have a number of newsboys who are called wholesalers and who receive a [274] check from the Los Angeles Evening Herald and Express?

A. Yes.

Q. What duties do those men perform?

The Witness: Their duties are to supply the boys on the other corners with papers, and collect from them and see that they are out there working. That is the duties of the wholesaler.

Q. (By Mr. Mouritsen) And in payment for the check are they instructed to be there at the time when the district man comes around, so they can get those papers for distribution?

A. Well, that, I—any newsboy knows what time the first edition comes out, so therefore he is on the corner. So far as whether he is instructed to come down there, that is without my knowledge. I don't know.

Q. Mr. Plotkin, during the time that you have been a district manager, have you from time to time hired a number of these check men?

A. Yes, I have hired a number of them.

(Testimony of Harry Plotkin.)

Q. And have you done that recently, Mr. Plotkin, since January 1, 1937? A. A couple. [275]

Q. And do you understand that it is a wholesaler?

A. Yes, I understand that it is wholesalers.

Q. And can you tell us in general what instructions you give to a check man when you hire him?

A. Well, when I put a man to work on the corner, I tell him what the duties are, such as taking charge of the boys, and supplying them with papers, and seeing that they are working, and I tell him the first edition comes out around a quarter of 10:00 or 10:00 o'clock, and so he knows that he should be there at that time He knows the paper comes out at that time.

Q. Do you also instruct him that he is to check these men in? A. The boys?

Q. These boys in?

A. Yes. He knows. The instructions are that he supply the boys with papers on the off corners, and then he collects from them, and then he in turn checks in to me.

Q. What time does he check in to you?

A. Well, it all depends. I start in on my first corner somewhere in the neighborhood of 6:15 to 6:30, and wind up at 8:00 o'clock, and whatever time I happen to get by that certain [276] corner, I check him in.

Q. Can you tell us in general what time you generally come by that corner so he can be ready to check in at that time?

(Testimony of Harry Plotkin.)

A. Well, I don't tell them what time I come by, no, because sometimes I will get there a half an hour earlier, or sometimes I will get there a half an hour later. So there is no set time, what time I am going to come by.

Q. I mean as a general rule, does the time vary more than a half an hour when you make your round?

A. No, because it takes me so long to check in my district, and each man knows after he has been there a couple of days, he knows just about what time I should be around there, barring accidents.

Q. Now, Mr. Plotkin, do you have in your district any newsboys who are not wholesalers or check men?

A. Well, yes. I have quite a number of them that work under the wholesalers.

Q. During the time that you have been district manager, have you put any of those boys on any of the corners in district?

A. Why, yes, I practically hire all of them.

Q. And have you done that in the last several years; that is, since January 1st, 1937?

A. Oh, yes.

Q. Now, will you state generally just what your practice is with reference to what you say to one of these other news- [277] boys when he works on the corner?

A. Well, we generally have—I have any number

(Testimony of Harry Plotkin.)

of boys stop me from day to day, all over my district, and ask me if there is any of my corners open. If I have none, I tell them I haven't any at present, but I take their name and address and tell them if there is any corner open, I will be glad to call them, and that is how I get my boys.

Q. When you call on one of these newsboys other than the check men or wholesalers and you put him on the corner, what do you say to him, briefly?

A. Well, I tell him to—for instance, I will say, as to one specific corner, 54th and Vermont, we will say, I will tell the boy "Now, here is a corner open there. You go and see the man in charge there and tell him I sent you, and he will put you to work," and I tell him that the harder he gets out there and works, the more money he will earn, and that is what he is out there for, and that is all I tell him. So he proceeds to the corner, wherever it is, and the wholesaler will supply him with papers and take care of him.

Q. And in the meantime, I presume you have instructed the wholesaler what he is to do when you send these various boys to him?

A. He knows. He doesn't have to be instructed.

Q. Have any of the newsboys in your district ever taken up with you individually the question of when they should take [278] time off to eat?

A. No.

Q. And none of the newsboys have ever discussed that with you individually?

(Testimony of Harry Plotkin.)

A. No. They have never asked me when they could go to eat.

Q. How about their taking several days off the corner? Have they ever taken the matter up with you?

A. Any time a man wants to lay off, if he has got somebody to take his place he is perfectly welcome. They do that right along. Any time they wish to lay off, if they have the corner covered or will let me know a couple of days ahead, I supply a man there for the period of time that they wish to be off. That is their privilege, to do that any time they wish.

Q. From time to time, Mr. Plotkin, in the last two or three years, have you received from the Herald and Express various advertising placards advertising the Los Angeles Evening Herald and Express? A. Yes.

Q. And have you in turn passed those on to newsboys for display?

A. Well, in most cases I used to put them in the boxes myself, and then I would ask them if they would do me the favor and put them in the box. It is my duty to put them in the box, and I have asked the newsboys to put them in the little hooks there where they fit in. It is up to me to do it. [279]

Q. What are those boxes to which you refer?

A. Just put their Heralds on—little small boxes where they can lay their papers on, their surplus Heralds, instead of holding them all in their arm. They just lay them down on the box. That is all.

(Testimony of Harry Plotkin.)

Q. And those boxes are supplied by the Herald and Express; is that right? A. Yes, sir.

Cross Examination

Q. (By Mr. Hamblin) Mr. Plotkin, in your direct examination, after stating that some of the news vendors are on corners at 10:00 o'clock, you stated—or thereabouts—you stated they know what time they are out.

That second "they are" referred to what?

A. To the papers, what time the papers come out.

Q. Do you give any instructions to any newsboys with reference to what time they shall start selling papers?

A. No, I don't instruct them in that regards.

[280]

Q. As I understand it, on Saturday mornings you start your functions prior to 10:00 o'clock?

A. Yes; on Saturday morning I come down earlier.

Q. On those occasions, on Saturdays, what have you observed with reference to the presence or absence of news vendors on corners?

A. Well, as a rule, in going around with my first edition on Saturday morning, I generally find the fellows all there waiting.

Q. Is that also true on other days when you have observed?

A. That I couldn't say, because I don't get down until 1:00 o'clock, so I don't know what time they get down in the morning.

(Testimony of Harry Plotkin.)

Q. When you make your first trip around on week days, are all the corners from which papers are sold occupied as a rule?

A. No. Just the wholesalers' corners are occupied at that time.

Q. What time do the other newsboys appear on those corners, as far as you have observed?

A. Well, generally anywhere from 3:30 to 4:00 o'clock in the afternoon. [281]

Q. Is there more than one wholesaler on a corner?

A. No, there is just one wholesaler to a corner.

Q. So then, as I understand it, the wholesalers are on their corners on week days prior to the time you make your first trip around, but the other news vendors are not?

A. No. They don't come down until 3:30—anywhere from 3:30 to 4:00 o'clock.

Q. In addition to stating percentages, Mr. Plotkin, can you give us the approximate number of news vendors within your district who are so-called wholesalers, and the approximate number who purchase papers from those wholesalers? A. Yes, sir.

Q. Then you may answer the question.

A. There is about 14 wholesalers and about 80 vendors. [282]

Q. You stated that with reference to placing boys on corners, you hired practically all of them. Can you explain what you meant by that statement?

A. Well, what I meant by that, a lot of times boys will move away from the neighborhood where they

(Testimony of Harry Plotkin.)

are selling papers, and it is too far for them to go there after school, so they just quit their corners, and there is a vacancy there and, like I stated, boys have come to me and asked me if there was open corners, and if an occasion of that kind arises, why I will notify the boy that there is a corner open and if he wishes to sell papers he can, and in many instances the wholesalers that are in that neighborhood have boys' names and addresses that have come to them and asked for corners, and they will get them and put them to work there on the corner.

Q. (By Mr. Hamblin) With reference to the last three years [283] when vacancies have occurred on corners, what have the wholesalers had to do with obtaining a boy to sell papers on those corners?

The Witness: May I ask, how they have proceeded to get the boys?

Q. (By Mr. Hamblin) What I mean is, do the wholesalers secure boys to occupy vacant corners?

A. Yes, in the greatest majority of cases, they do; and in cases where they have no boy available, they will ask me if I know of a boy that wants to sell papers. [284]

Q. When you deliver the first edition of the paper, which you normally deliver in the afternoon, to the wholesalers, do you deliver papers for sale by the wholesalers in turn to other newsboys, or what papers do you deliver at that time?

A. The first edition I deliver to the wholesalers in the afternoon are for their own use, to sell on the corners.

(Testimony of Harry Plotkin.)

Q. At what time of the day normally do you commence supplying papers to wholesalers for resale to the other newsboys on the corners?

A. With the Night Edition, which comes out about 3:30 in the afternoon.

Q. But prior to that time, the papers delivered to the wholesalers are delivered to them as main spots, as main spot men, in order that they can resell those papers themselves, personally; is that it?

A. That is correct. [285]

Q. Would it be correct to say, Mr. Plotkin, that the so-called wholesalers do not conduct their wholesaling activities of selling papers to other boys until approximately 3:30 in the afternoon?

A. That is absolutely correct.

Q. They then wholesale the Night Edition, as I understand it?

A. That is the first edition, yes.

Q And do they also wholesale later editions?

A. Two others.

Q. What editions?

A. Night Final and the Race Results.

Q. Normally, during that period of time while they are wholesaling the Night Edition and the Night Final Race Results, what other activities are they carrying on? A. Selling themselves.

Q. That is, their own supply of papers?

A. Yes.

Q. And in your observation, how late do they continue to sell their own papers?

(Testimony of Harry Plotkin.)

A. Well, as a rule the wholesalers generally work until around 8:00 o'clock, providing they have a supply of papers. If they are sold out at 7:00 and there are no papers available to them, then they are through at that time, but ordinarily they will work until around 8:00 o'clock. [286]

Q. Then as I understand it, they have distributed the Night Final Race Results edition as wholesalers by about 5:30 in the afternoon, but they continue to sell their own papers until 7:00 and very likely 8:00 o'clock; is that correct?

Trial Examiner Kennedy: You work for the paper that this attorney represents, do you?

The Witness: The Evening Herald and Express.

Trial Examiner Kennedy: Do you belong to any Union?

The Witness: To the Newspaper Guild.

Trial Examiner Kennedy: The Newspaper Guild?

The Witness: Yes, the American Newspaper Guild.

Trial Examiner Kennedy: Is that in any way connected with the Union that is involved in this case?

The Witness: No. We are a National organization, the American Newspaper Guild, all over the United States.

Trial Examiner Kennedy: Are you affiliated with the C. I. O.?

(Testimony of Harry Plotkin.)

The Witness: I believe they are affiliated with the C. I. O. [287]

Trial Examiner Kennedy: Read the question, Mr. Reporter.

(The question referred to was read by the reporter, as set forth above.)

The Witness: Yes, sir.

Mr. Hamblin: That is all.

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Plotkin, these so-called wholesalers or check men, they furnish the papers to the other newsboys at the same price at which they receive them, namely, at 3 cents; is that correct? A. Correct.

Q. There is no differential between the price at which they [289] obtain the papers and that at which they pass them on to the other newsboys; is that correct? A. That is correct.

Q. So that this wholesaling operation amounts to nothing more than that they merely pass on the papers that they have received from you or the driver, the number being set, and they collect for that number of papers; is that correct?

A. That is correct, whatever they give the boys.

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LOUIS KENNETH FRANCE

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

(Testimony of Louis Kenneth France.)

Direct Examination

Q. (By Mr. Mouritsen) Your address, Mr. France? A. 14256 Roblar Place, Van Nuys.

Q. Mr. France, you are a district manager for the Los Angeles Evening Herald and Express?

A. I am.

Q. And you work in Mr. Brewster's district?

[290]

A. Mr. A. W. Brewster.

Q. And how long have you been a district manager in Mr. Brewster's district?

A. I worked for Mr. Brewster and the Herald-Express for about 17 years.

Q. And in the same district?

A. About 13 years in the same district.

Q. And that is in the district in which you now operate? A. The one I am in now, yes.

Q. Will you outline briefly your duties as district manager, Mr. France?

A. From the time that I—during the day or at the time I come to work? Do you want the entire day?

A. Your entire day.

A. Well, at 1:00 o'clock I am at the office, and check in my dough, or my money, from my previous night's collections. [291]

About 1:00 o'clock I get in the office and check in my money from the previous night's collections for the day's papers, and then around 2:00 o'clock, I make my rounds of my district and see that they are

(Testimony of Louis Kenneth France.)

—well, if they have enough papers on the corners and the wholesalers have enough papers to keep the corners covered, and back in the office around 4:00 o'clock to put in a Night Final order, of which the wholesalers on the corners tell me the amount of papers that they want on that edition. And then about 5:00 o'clock, I go out to eat and back on and start my round about 6:15, and from 6:15 to 8:00 o'clock or thereabouts, until I finish up with my collections, that constitutes my day.

Q. And approximately how long does it take you to make your collections?

A. About two hours.

Q. So that you, as a general rule, begin your collections about 6:00 o'clock in the evening and go until 8:00; is that correct?

A. Well, approximately, yes, around 6:00 to 6:15 they start, and then whenever I finish up with the collections.

Trial Examiner Kennedy: What do you collect in that period of time?

The Witness: All the money from the newsboys for the papers.

Trial Examiner Kennedy: From the newsboys? Do you go to each corner and collect? [292]

The Witness: No; from the wholesalers on the corners, or if there is not a wholesaler, then it is direct from him.

Trial Examiner Kennedy: Then it is what?

The Witness: Then it is direct from the boy, on small spots where there is no wholesaler.

(Testimony of Louis Kenneth France.)

Trial Examiner Kennedy: I see.

Proceed.

Q. (By Mr. Mouritsen) Approximately how many wholesalers do you have in your district?

A. I believe I have around 13, off-hand.

Q. And other than the wholesalers, do you have newsboys in your district to whom you supply papers directly and from whom you make collections?

A. Yes, sir.

Q. Approximately how many of such newsboys do you have in your district?

A. Approximately fifteen.

Q. During the last three years, have you hired any of these check men or wholesalers?

A. Not during the last three years, no, sir.

Q. When did you last hire such wholesalers or check men, or such a wholesaler or check man?

A. The last man that was put to work as a wholesaler, or to move up from an off corner, was about five years ago.

Q. Who was that? [293]

A. I beg your pardon?

Q. I say, who was the man? What was his name?

A. The man that I put to work as a wholesaler, that I moved up, the last one, is that it?

Q. Yes. A. Sandy Bressman.

Q. Have you hired any of these other boys to whom you personally take papers and from whom you personally make collections?

The Witness: I keep the other small corners cov-

(Testimony of Louis Kenneth France.)

ered. That is my job. I have to see that all the corners or spots have a boy there to sell the papers.

Q. (By Mr. Mouritsen) And have you put any of those boys on such spots within the last three years? [294]

A. Yes, the smaller spots; they keep changing during the periods of time with the boys moving out of the neighborhoods and moving away, moving out of town, and they don't want to come too far to work on a corner.

Q. Well, do any of these boys, these newsboys to whom you personally make delivery and from whom you personally make collections, work or sell papers during the full day, that is, approximately from 10:00 A. M. until 8:00 P. M.? A. No.

Q. Mr. France, will you explain briefly, if you know, what duties the check man or wholesaler performs for the check he receives from the paper?

A. Keeping the—supplying papers to the off corners on his corner. That is his—the transportation department drops papers on the corners, and the wholesaler supplies the off corners with papers. [295]

Q. (By Mr. Mouritsen) Well, is it a duty of the check man or wholesaler to pass on to other newsboys the papers that he receives from them from the truck driver, or from the district man?

A. Yes. He passes them on to the other newsboys.

Q. And in your district, is it his duty to collect from such newsboys the—to collect for the papers that he so passes on to them?

(Testimony of Louis Kenneth France.)

A. Yes, sir.

Q. And is it one of his duties that he in turn is to turn that money over to you?

A. Yes, sir.

Q. The papers that are received to pass on to other newsboys are to be passed on to them at the same price at which he receives them, namely, 3 cents a copy; is that correct?

A. Yes, sir.

Q. And he is to collect from such newsboys 3 cents a copy for each paper furnished; is that correct? A. That is correct.

Q. Mr. France, are the newsboys in your district permitted to return all unsold copies of the Evening Herald and Express? [298]

A. The excess order which is sent out by the office is returnable, but not the order that they—they themselves give.

Q. In other words, they are not permitted full returns on ordinary occasions; is that correct?

A. Not on their regular order, no.

Q. And on these occasions when extras are—extra copies of the paper are given to them, do you determine the number of such extra copies that they shall receive?

A. During the course of the day, you mean—according to headlines?

Q. According to the headlines. A. Yes.

Q. And that has nothing to do with their standing order, is that correct? A. Yes, sir.

(Testimony of Louis Kenneth France.)

Q. Now, your testimony is that on such papers they are permitted full returns; is that correct?

A. On all excess papers up to and above their order.

Q. During the last three years have any of these individual newsboys taken up with you the matter of securing full returns?

A. They have asked for full returns, but in turn are informed that they have the right to govern their orders accordingly so that they may not —there won't be any papers left over. [299]

Q. And during the last three years, have any of these individual newsboys taken up with you the period during which they could eat lunch?

A. No. That is entirely up to them.

Q. None of them have taken it up with you?

A. None of them, no, sir.

Cross Examination

Q. (By Mr. Hamblin) Mr. France, other than the 13 wholesalers that you mentioned, and the 15 news vendors, to whom do you deliver the papers directly? How many other news vendors are there selling Evening Heralds and Expresses within your district at the present time?

A. Between 40 and 45, probably.

Q. Are you a member of any Union?

A. Yes, sir.

Q. What Union? A. Newspaper Guild.

Q. Affiliated with the Congress of Industrial Organizations? A. Yes, sir. [300]

(Testimony of Louis Kenneth France.)

Redirect Examination

Q. (By Mr. Mouritsen) Mr. France; during what hours of the day do these 40 or 50 additional newsboys whom you mentioned in addition to the wholesalers, the others to whom you make direct delivery, during what hours do they work?

A. They work from about Sport time until around about 7:00 o'clock.

Q. Well, can you fix Sport time for us a little more definitely? A. Well, say 2:15.

Q. And the 14 wholesalers or check men work in general from 10:00 A. M. in the morning until 8:00 at night; is that correct?

A. From the time that the first edition drops on the corner, which is approximately around 10:30.

Recross Examination

Q. (By Mr. Hamblin) Mr. France, isn't it a fact that a great many of these 40 to 45 newsmen that you last mentioned are schoolboys?

A. Yes, sir, they are.

Q. And they commence to sell newspapers after school hours; is that right?

A. After school, yes, sir.

Q. Can you give an estimate as to how many out of the 40 [301] to 45 are schoolboys?

A. I would say about half of them were high school boys.

Q. Well, the majority of these 40 to 45 vendors that you last mentioned start selling the paper

(Testimony of Louis Kenneth France.)

commencing with the Sports edition; is that right?

A. Yes, sir.

Q. Then they sell the Night Edition also?

A. Yes, sir.

Q. And the Night Final? A. Yes, sir.

Q. And Seven Star Final? A. Yes, sir.

Q. In other words, they sell four out of the seven editions——

A. (Interrupting) Yes, sir.

Q. (Continuing) ——of the paper; is that right? A. Yes, sir.

Q. Considering only these 40 to 45 vendors which you have mentioned, do they all procure their newspapers from the so-called wholesalers? [302]

A. I stated before approximately 13 wholesalers, and the 15 other boys that I supply.

Q. Yes. Then there are 40 to 45 in addition?

A. In addition, that are supplied by the wholesalers.

Q. Then, on the average, over what period of time do the wholesalers supply these boys with papers?

The Witness: Do you mean between what hours?

Mr. Hamblin: Yes.

The Witness: Well, from 2:00 or 2:15 until 7:00 o'clock.

Q. (By Mr. Hamblin) Do you give any of these three classes of news vendors—that is, the

(Testimony of Louis Kenneth France.)

wholesalers and the others to whom you deliver direct, and the other newsboys—any instructions as to the hours of sales on corners?

A. No. They are—from the wholesalers they are on from Sports on until 7:00 o'clock, and from the other ones they are on—after the—the schoolboys are on from the time they [303] are out of school until about 6:30.

Q. Well, do you instruct them as to any particular hours during which they are supposed to be on their corners?

A. They are on—tell them to get there as soon after school as possible for the sale of papers, and the corners that are off, they run 6:30.

Redirect Examination

Q. (By Mr. Mouritsen) Mr. France, wholesalers are not schoolboys; is that correct?

A. They are not; yes, sir.

Q. And all of them are men of more mature age than schoolboys, are they not?

A. Yes, sir. [304]

After Recess

(Whereupon the hearing was resumed, pursuant to recess, at 1:30 o'clock P. M.)

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SID FABER

called as a witness by and on behalf of the National Labor Relations Board, being first duly

(Testimony of Sid Faber.)

sworn, was examined and testified as follows:

Trial Examiner Kennedy: Your full name, please?

The Witness: Sid Faber.

Direct Examination

Q. (By Mr. Mouritsen) Where do you live, Mr. Faber? A. 1562 McGilvary Street.

Q. In the City of Los Angeles? [305]

A. Yes.

Q. And do you sell the Evening Herald and Express at present? A. Yes, sir.

Q. Where do you sell it?

A. Third and Broadway.

Q. You also handle the News?

A. Yes, sir.

Q. At the same place? A. Yes.

Q. How long have you been on that corner?

A. About a year.

Q. And from whom did you obtain the corner?

A. The district manager, Joe Woods.

Q. Now, there are, I believe, four corners to the intersection there; is that correct?

A. Yes.

Q. And on which of those corners do you operate? A. The southeast corner.

Q. And are you the main spot or the off spot boy? A. The main spot.

Q. And as the main spot boy, what do you do or how do you receive the papers from the district manager?

(Testimony of Sid Faber.)

A. Well, I wholesale them to the other three spots.

Q. You receive them from Joe Woods?

A. Yes. [306]

Q. Or his driver; is that correct?

A. Yes.

Q. And then when you say you wholesale them to the other three spots, what do you do in that regard?

A. Well, they come over for each edition and I hand them out the papers, the amount which each corner takes.

Q. And do you determine the number of papers they get or is that determined by Joe Woods or his drivers?

A. Well, they all have an amount of papers they have out on each edition.

Q. I believe you stated that you count these papers out to these other boys on the other corners; is that correct? A. Yes.

Q. And how many other men are there on those three corners?

A. Three, besides myself.

Q. Now, do you receive any check from the Evening Herald and Express for doing that work?

A. No, sir.

Q. Do you also do that same type of work for the News? A. Yes, sir.

Q. And do you receive any check from the News for performing that type of work?

(Testimony of Sid Faber.)

A. No, sir.

Q. Now, did you put any of these three other fellows on the corners? [307]

A. No, sir.

Q. Now, have you recently had a conversation with Joe Woods regarding a relief man for your spot? A. Yes.

Q. And approximately when did you have such a conversation?

A. Well, the day before Decoration Day, Joe Woods come down to my corner——

Q. Well, what year?

A. June, 1940—the day before Decoration Day.

Q. This year? A. Yes.

Q. Where did you have such a conversation with Joe Woods? A. On my corner.

Q. And was anyone else present who took part in this conversation? A. No, sir.

Q. Will you please state what Joe Woods said to you and what you said to Joe Woods?

A .Well, he said, who am I going to have to work

A. Well, he said, who am I going to have to work on my corner Decoration Day, and I said "I am going to have my relief man."

And he said he didn't want that; I was to put the other fellow across the street to work there.

Q. And did you put the fellow designated by Joe Woods to work as your relief?

A. Well, Joe Woods went over to him and I guess he told him. [308]

Q. In any event, did the man whom you had

(Testimony of Sid Faber.)

selected as your relief cover the spot or take care of it? A. No, sir.

Q. Since that time, have you had any further conversation with Joe Woods regarding your operations on the corner? A. Yes, sir.

Q. And when did such a conversation occur?

A. Well, Joe Woods came by my corner.

Q. Can we fix the date, approximately?

A. About a week and a half ago.

Q. And where did the conversation take place?

A. On my corner.

Q. Was anyone else present other than you and Joe Woods? A. No, sir.

Q. Will you please state what Joe Woods said to you on that occasion?

A. Well, Joe Woods came over to me and he had a grudge against a friend of mine who was hanging around the corner.

Q. Just state what Joe Woods said to you at that time, and what you said to Joe Woods and what you said to Joe Woods, if anything?

A. Well, he didn't want this fellow hanging around my corner, and he says that I had better have him not come around the corner, and I said, "Well, I didn't know what to do. You know I couldn't kick him off the corner."

And he says, "Well, I am still boss, and I don't have to [309] give you any papers."

Mr. L. B. Binford: At this time the Stock-

(Testimony of Sid Faber.)

holders Publishing Company wishes to make a motion to strike all conversations testified to by the witness, with Joe Woods, as no connection between Joe Woods has been shown with the Stockholders Publishing Company. [310]

Trial Examiner Kennedy: Well, I will grant the motion. The testimony will not bind the Stockholders Publishing Company. If it later develops from the evidence that Joe Woods is in any way acting for the Stockholders Publishing Company, I will entertain a motion to reinstate the testimony as of that time.

Mr. L. B. Binford: That is entirely agreeable.

Mr. Cosgrove: Will it be stipulated, Mr. Mouritsen, that the testimony of this witness has no application to the Times-Mirror Company?

Mr. Mouritsen: It will be so stipulated.

Mr. Hall: Will you make the same stipulation as to the Los Angeles Examiner?

Mr. Mouritsen: It will be so stipulated.

Cross Examination

Q. (By Mr. Compton) Mr. Faber, you sell the Herald and Express? A. Yes, sir.

Q. Do you sell the Daily News? [312]

A. Well, the News—the Evening News.

Q. Do you sell the Saturday Evening Post?

A. Yes, sir.

Q. Do you sell Liberty? A. Yes, sir.

Q. Do you sell Collier's? A. Yes, sir.

(Testimony of Sid Faber.)

Q. Do you sell any form sheets?

A. No, sir.

Q. Do you sell racing news? A. No.

Q. What other publications do you sell besides the ones I mentioned?

A. Well, I handle the morning Examiner sometimes in the morning.

Q. From whom do you purchase the magazines that you sell? A. Joe Woods.

Q. Do you sell those magazines in the same manner that you sell newspapers? That is to say——

A. (Interrupting) Yes. [313]

Q. (By Mr. Compton) And you retain the profit that you make on the sale of those magazines? A. Yes.

Q. Are you permitted to return any unsold copies of magazines? A. Yes, sir.

Q. Do you know who preceded you on the particular corner which you now occupy?

A. You mean, who was there before me?

Q. That is right. A. Eddie O'Brien.

Q. Did you purchase that corner from Eddie O'Brien? A. No, sir.

Q. You stated in reference to a conversation with Mr. Woods that your regular relief man was not permitted to take that relief on Decoration Day; is that right? [314] A. Yes, sir.

Q. You had such a regular relief man, didn't you? A. Yes.

Q. And he had taken your corner many times before, had he not?

(Testimony of Sid Faber.)

A. He takes it any time I go to lunch, and he had been taking it when I am off.

Q. And at this particular time, you state that Mr. Woods stated he would not permit your regular relief man to take your place on Decoration Day?

A. Yes.

Q. Did he state any reasons therefor?

A. No, he didn't.

Q. Did he state that the man didn't pay for the papers? A. No, sir.

Q. Did he state that he couldn't trust him to pay for the papers? A. No.

Q. Are you sure that he didn't announce any reason whatsoever for refusing to let him take the corner on that day?

The Witness: No, sir.

Q. (By Mr. Compton) When your regular relief man took the corner, did he make his arrangements with you? [315] A. Yes.

Q. And did you pay him for taking your corner? A. Yes.

Q. Did you pay him a regular stipulated wage for that purpose? A. Yes, sir.

Q. And did it consist of a specified amount, or did you make it according to the number of papers he sold that day?

A. Well, the way we worked on Decoration Day, he makes all he can.

Q. He makes all he can? A. Yes, sir.

Q. And do you give him any portion of the com-

(Testimony of Sid Faber.)

pensation which you receive from the—you testified you don't receive any compensation from the Herald? A. No, sir.

Q. Do any of these boys on the off spot corners work for you? A. No, sir.

Q. They simply come to you and get their papers and pay for them?

A. They check in to me at night.

Q. They give you the money for the papers that they purchase from you? A. Yes. [316]

Q. And those papers are charged against you, aren't they?

A. Well, I check in the middle of the day out of my own pocket, and collect for them at night.

Q. In other words, the papers are charged against you, and when you check in you give either papers back or the cash? A. That is right.

Q. Do you pay the cash price at the rate of 3 cents per paper? A. Yes.

Q. And you pay that to whom?

A. Joe Woods.

Cross Examination

Q. (By Mr. L. B. Binford) You spoke a few moments ago of handling also the Evening News. The name of that paper is the News, is it not?

A. Yes, sir.

Q. It used to be the Evening News?

A. Yes.

(Testimony of Sid Faber.)

Q. You never did handle the Morning News, did you?

A. Yes. A fellow that works in the morning leaves them for me.

Q. You mean during the time there was a Morning News and [317] Evening News? A. Yes.

Q. Now, you handle different editions of the News, isn't that correct?

A. No. I still handle the Morning News and the Evening News.

Q. Is it called the Morning News and the Evening News? A. It is called the same thing.

Q. It is called the News, isn't it? A. Yes.

Q. That is the only paper you sell, so far as the News is concerned, the paper called the News?

A. Yes.

Q. And you sell different editions of that paper?

A. Yes, sir.

Q. What editions do you sell?

A. From the Five Star to the Ten Star.

Q. Does Joe Woods deliver those editions to you? A. No, sir.

Redirect Examination

Q. (By Mr. Mouritsen) What time during the course of the day do you ordinarily check in to Joe Woods? A. 4:30. [318]

Q. And at that time, for what papers do you pay him? A. Well, all the Heralds.

Q. Well, for all the Heralds that you have received, that you have received up to that time?

(Testimony of Sid Faber.)

A. No, sir. For all the Heralds I have received all day.

Q. Is that for not only the corner on which you sell, but on the three other intersections on the same corner? A. Yes, sir.

Q. And at that time when you check in, do you receive additional papers for later sale, for which you pay him at that time?

A. I don't know.

Q. Do you understand that? A. No.

Q. At the time when Joe Woods makes his collection around about 4:30, does he leave additional copies of the Evening Herald and Express with you? A. Yes.

Q. And does he at that time leave copies with you for the other three spots on that intersection?

A. Yes, sir.

Q. At the time when you check in at 4:30, do you pay him for those copies that he leaves you at that time for your corner and for the three other spots on the intersection? A. Yes, sir. [319]

Recross Examination

Q. (By Mr. L. B. Binford) Mr. Faber, have you at all times since you have been a newsboy here on this corner sold identically the same papers and publications that you are selling at the present time?

A. Yes, sir.

Q. That applies to all publications? You have neither added to nor taken from the list you have been selling?

(Testimony of Sid Faber.)

A. Well, I have sold them all.

Q. And you have sold them all of the time?

A. Yes, sir.

Q. And there has been no time that you have sold others in addition thereto, that is, others than the ones you are presently selling? A. No.

Q. Is that correct? A. Yes, sir.

Q. You understand what I mean by publications?

A. What do you mean—you mean other newspapers, don't you?

Q. No. I mean other newspapers, magazines, form charts, racing forms, any character of printed matter for sale to the public.

Now, have you sold any such, calling those publications, [320] other than those you are selling at the present time? A. No, sir.

Q. You have not? A. No.

Q. And the list of publications, as I have just defined them, are the same that you are selling now as the day you first started to sell on that corner; is that correct? A. Yes, sir.

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Faber, do you secure the copies of the News that you handle from a News district man; is that correct? A. Yes.

Q. And you check in to the same district man; is that correct? A. Yes, sir.

Q. These other publications that have been enu-

(Testimony of Sid Faber.)

merated, namely, Saturday Evening Post and Liberty, and one or two others, how are they handled on your corner? What position do they occupy?

A. Well, the same way as the Heralds. I give an amount to each corner and they check in to me for them at the end of the day.

Q. And you receive those from Joe Woods?

A. Yes, sir. [321]

Q. And that is your district manager on the Evening Herald and Express; is that correct?

A. Yes.

Q. I mean how are those publications displayed? Do you have a lay-down——

A. (Interrupting) Well, we have a rack.

Q. Do you carry those publications in your hands or arms and display them as you do the Herald and Express and the News? A. No, sir.

Q. And will you describe how you display or carry the Herald and Express and the News?

A. Well, the Herald I keep on the inside, and the News on the outside. And if I hold up one paper, I must hold up the other. But if I don't hold up any papers, I just keep them down. I don't hold up any at all.

Q. You say you must do that? Why do you say you must do that? [322]

The Witness: Well, it has been understood if one paper is held out, the other paper must be held out.

Q. (By Mr. Mouritsen) Well, now, can you

(Testimony of Sid Faber.)

recall where you got that understanding, Mr. Faber, where you received it?

A. Well, the News district man told me that.

Q. And approximately when, if you recall?

A. Approximately about two months ago.

Q. (By Mr. Mouritsen) What is the name of your present district man for the News?

A. His first name is Oscar, but I don't know his second name.

Q. And was Oscar the one who told you about the display of the various papers?

A. Yes, sir. [323]

Recross Examination

Q. (By Mr. Compton) You testified you have been selling the Daily News—or the News and the Herald for approximately a year?

A. Yes, sir.

Q. And the first time you ever received any instructions about the manner of displaying these papers was as you have just testified, when this News man told you? A. Yes, sir.

Q. And that is the only time you ever had any instructions in that respect? A. Yes, sir.

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HARRY RELISH

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows: [324]

(Testimony of Harry Relish.)

Direct Examination

Q. (By Mr. Mouritsen) What is your name, please? A. Harry Relish.

Q. Where do you live, Mr. Relish?

A. 426 South Grandview Street.

Q. That is in the City of Los Angeles?

A. City of Los Angeles.

Q. Are you at present newsboy for the Los Angeles Evening Herald and Express?

A. Yes, sir.

Q. (By Mr. Mouritsen) And also for the News?

A. Yes, sir.

Q. And on what spot do you operate at present?

A. Northeast corner of Fifth and Spring.

Q. Is that the main spot or the off spot?

A. Off spot.

Q. The main spot is the place where the papers are left by the district man; is that correct?

A. That is right. [325]

Q. Who is your Evening Herald and Express district manager? A. Sollie Epstein.

Mr. Yoakum: Is that the same person as Joe Woods?

Mr. Mouritsen: No. Sollie Epstein.

Q. (By Mr. Mouritsen) And how long have you been on that spot there?

A. Approximately about six years.

Q. Now, has Sol Epstein ever given you any instructions regarding the manner in which you are to wholesale the papers?

(Testimony of Harry Relish.)

A. Yes. He told me I would have to be on the spot all day, from half past 9:00 to half past 6:00.

Q. (By Mr. Mouritsen) Now, where do you receive the copies of the Los Angeles Evening Herald and Express that you sell?

A. I receive them from the wholesaler, a fellow by the name of Mike Goldberg who is on the southeast corner of Fifth and Spring.

Q. Now, did Sol Epstein ever say anything to you about your being off the corner? [326]

The Witness: Yes.

Q. (By Mr. Mouritsen) Now, about when did Sol Epstein ever say anything to you about your being off the corner?

A. Well, approximately a year ago he met me and——

Q. Met you where?

A. On Fifth and Hill. And he says to me, he says "What are you doing here"?

And I said, "Well, it is about 1:00 o'clock. I was supposed to be at lunch hour."

And he said, "Don't you know you have to be on the corner"?

And I says "I don't know; I have to have my lunch," and I said "I see other boys off——"

And he said to me, "Why aren't you on the corner"?

I said "I have to have my lunch."

"Well," he says, "if you don't watch out you will be off the corner entirely."

(Testimony of Harry Relish.)

Q. (By Mr. Mouritsen) Was anything further said at that time? [327] A. No.

Q. Has Davey Bell ever removed you from your corner for a period?

A. Yes. That was in——

Q. Now, let's fix the foundation. About when did this occur?

A. About four and one-half years ago I was told——

Q. (By Mr. Mouritsen) Did you have a conversation with Mr. Bell about that?

A. Yes. [328]

Q. Now, Mr. Relish, will you state the conversation that you had with David Bell, and if you will state only what he said to you and what you said to him at that time?

A. He told me that I should have to get rid of my corner, and in the meanwhile to put somebody to stay on my corner until I get somebody to sell it and get rid of it, but I will have to move. I am not, in other words, a suitable man to sell papers there. That was the conversation.

Q. Was that approximately all of the conversation that you had with Davey Bell?

A. That is all—well, on another occasion——

Q. Now, when was this other occasion? [330]

A. Well, that was about half a year later. At that time the Herald was sold at 3 cents a copy and it cost me 2 cents a copy——

Q. Well, if we can fix this one more definitely, Harry.

(Testimony of Harry Relish.)

You say it was about half a year after this other conversation? A. Yes.

Q. Where did this second conversation take place?

A. Well, it was like that. I must explain myself, how to go about it. I was stuck—in other words, 35 papers one day——

Trial Examiner Kennedy: Didn't you ask him where the conversation took place?

Mr. Mouritsen: Yes.

Trial Examiner Kennedy: You understand what the word "where" means? The location; where was it?

The Witness: The conversation was on my corner.

Q. (By Mr. Mouritsen): And with whom did you have such a conversation?

A. With Sollie Epstein.

Q. Now, will you state what Sollie Epstein said to you and what you said to Sollie?

A. Well, he told me—I was stuck with 35 papers and I refused to pay for it because I told him I was making $1.50 and if I have to pay for 35 papers, 70 cents, that leaves me 80 cents net for a whole day's work, and I couldn't afford [331] it.

He says to me, "Well, if you don't pay for it, we will put somebody else on the corner."

Q. Is that all the conversation you had with Sollie? A. Then I was told——

Q. Just answer the question.

(Testimony of Harry Relish.)

is that all the conversation you had with Sollie?

A. Yes, that is the conversation.

Q. Now, after that time did you have a conversation with Davey Bell regarding the same subject?

A. I was told to come down to the office, to Davey Bell's office, the following day.

Q. And did you go to Davey Bell's office the following day? A. Yes, I did go down.

Q. Did you have a conversation with him?

A. Yes. He told me "What about the 35 papers which amount to 70 cents"?

I told him the same thing I told Sollie. I refused to pay because I can't afford to pay it. I am not making anything at that if I have to pay for my papers.

Q. And what, if anything, did Davey Bell say?

A. Well, it was laughed off. I went to my corner and nothing else was said at all afterwards.

Q. Now, on this spot do you also handle the News? A. Yes. [332]

Q. And where do you obtain the copies of the News?

A. From the same wholesaler, Mike Goldberg.

Q. Do you know the name of the News district man? A. A fellow by the name of Martinez.

Q. Now, from time to time in the last year have you received any advertising placards from the district manager of the Evening Herald and Express? A. Yes, sir. [333]

Q. (By Mr. Mouritsen): Well, Mr. Relis, dur-

(Testimony of Harry Relish.)

ing the past year have you on more than one occasion received such advertising placards?

A. Yes.

Q. On more than one occasion have you received any instructions relative to such advertising? A. Yes.

Q. Approximately how often during the past year, or on how many different occasions have you received advertising placards from the district manager of the Evening Herald and Express?

A. Well, I would say approximately every three weeks, every other three weeks, especially when the football games was on, I was getting them every two weeks.

Trial Examiner Kennedy: You say every other three weeks?

The Witness: No, every three weeks; two or three weeks.

Q. (By Mr. Mouritsen): And on such occasions—that is, every two or three weeks—did you receive instructions from the district manager regarding such placards? A. Yes. [334]

Q. And in general, on such occasions what instructions did the district manager give you?

A. He told me that they have to be displayed on certain prominent spots, like on the post, on the posts, on the other papers.

Q. And during the past year have you from time to time received advertising placards from the district manager of the News?

(Testimony of Harry Relish.)

A. I have not.

Q. Have you ever had a conversation with your News district man with regard to your presence on the corner? A. Yes, sir.

Q. Have you had more than one conference of that nature?

A. Well, I believe it was once I was told by him——

Q. (Interrupting): Well, can we fix the date of that conversation approximately?

A. Yes. I would say about four months ago; five months ago.

Q. And where did the conversation take place?

A. Well, on Fifth and Spring.

Q. And on what corner? Was it on the spot where you sell?

A. No. I was called to the spot where the papers are delivered.

Q. To the main spot where the papers are delivered? A. Yes. [335]

Q. And who called you there?

A. Martinez.

Q. Did you have a conversation with him at that time? A. Yes.

Q. Will you state what the conversation was?

A. Well, he said, "You know that you have to be all the time on this spot because we want to sell papers."

I said "I know well." I told him yes.

Mr. Mouritsen: You may inquire.

(Testimony of Harry Relish.)

Mr. L. B. Binford: At this time, Mr. Examiner, I make a motion that all testimony given by this witness with respect to any conversations between him and Sollie Epstein and him and Davey Bell be stricken—by both of them be stricken in so far as the Stockholders Publishing Company is concerned.

Trial Examiner Kennedy: May I hear your position on that, Mr. Mouritsen?

Mr. Mouritsen: In view of the Examiner's earlier ruling, I have no objection, Mr. Examiner.

Trial Examiner Kennedy: The motion is granted.

Mr. Cosgrove: Will it be stipulated by Mr. Mouritsen that those conversations related by the witness have no application to the Times-Mirror Company?

Mr. Mouritsen: I will so stipulate with reference to the Times-Mirror and with reference to the Examiner. [336]

Cross Examination

Q. (By Mr. Compton): Mr. Relis, you testified that you sell the Evening Herald and Express and the News? A. Yes, sir.

Q. Do you also sell the Examiner?

A. Yes, sir.

Q. Do you sell the Times?

A. What is left over, we sell it. They leave the money.

Q. Do you sell Liberty? A. Yes, sir.

(Testimony of Harry Relish.)

Q. Do you sell the Saturday Evening Post?

A. Yes, sir.

Q. Do you sell Collier's? A. Yes, sir.

Q. Do you sell Look? A. No, sir.

Q. Do you sell any form charts?

A. No, sir.

Q. Do you sell any tip sheets? A. No, sir.

Q. Do you sell any other magazines?

A. No. Only four magazines, four publications.

Q. Do you sell the Daily Racing Form?

A. No, sir.

Q. Did you ever sell the Daily Racing Form?

[337]

A. Never did.

Q. What price do you sell the Evening Herald and Express at? A. 5 cents.

Q. Do you ever get more than 5 cents for it?

A. Apiece.

Q. How long have you been selling newspapers? A. Six years.

Q. Six years.

And you never got more than 5 cents for a newspaper in all that six years?

A. Never did. Never did.

Q. Recalling your attention to the conversations you testified to with Joe Woods—or rather with Solly Epstein, you stated, did you not, that Epstein told you you would have to sell your corner?

A. No. It was Davey Bell.

Q. Oh, it was Davey Bell told you that?

(Testimony of Harry Relish.)

A. Yes, sir.

Q. Told you you would have to sell your corner?

A. Yes, sir.

Q. Did you buy the corner originally?

A. Yes, sir.

Q. From whom did you buy it?

A. A fellow by the name of Soel. [338]

Q. How much did you pay for it?

A. One hundred dollars.

Q. One hundred dollars? A. Yes, sir.

Q. In selling the magazines, do you purchase them at one price and sell them to the public at another? A. Yes, sir.

Q. And you retain all the profits that you make on those sales? A. Yes, sir.

Q. Are you permitted to return those magazines, those that are unsold? A. Yes, sir.

Cross Examination

Q. (By Mr. L. B. Binford): Do you put up your own money for the purchase of those magazines? A. Yes, sir.

Q. You finance it yourself entirely for the purchase of the magazines and the papers?

A. Well, I do not finance in advance.

Q. No, but you——

A. After I sell them I settle for them, after the week.

Q. You use your money for that purpose? [339]

A. Yes, sir.

Q. Did you use your own money for the purchase of the corner?

(Testimony of Harry Relish.)

A. Well, I had to borrow it.

Q. You borrowed the money and used it for that purpose? It was your own money after you borrowed it, was it?

A. It was. I borrowed from my brother; he gave it to me.

Q. How long have you been selling the News?

A. Well, since they consolidated, I think it was about a couple of years ago—1937.

Q. By "consolidated," you mean certain newsboys in certain territories began selling both papers?

A. Yes, that's right.

Q. You say Mr. Martinez, the district man for the Stockholders Publishing Company, or the News——

A. (Interrupting): Yes.

Q. (Continuing): ——got in contact with you about three or four months ago and talked with you about your being on the corner?

A. Yes.

Q. Had you been neglecting your work?

A. No, I did not.

Q. Had you been staying off of the corner?

A. Well, only at the time when I had to go away. For instance, to get treatments, when I was sick. I put a relief man on. I put a relief man on. [340]

Q. You had been staying away some of the time and getting a relief man on there?

A. Well, on account of I was sick. I was get-

(Testimony of Harry Relish.)

ting treatments. I had hernial treatments. I had a hernia and I had to go away on certain occasions.

Q. How long were you away?

A. It all depends. Sometimes two hours, sometimes three hours.

Q. How many days a week?

A. Well, certain weeks it was twice a week, and sometimes once a week. It all depends on how much treatment I had to have.

Q. It was during that time that Mr. Martinez talked to you and suggested you had better stay on the corner?

Did you tell him then that you had been sick?

A. I did not tell him. He said, well, it would be all right.

Q. When you told him you had been sick——

A. (Interrupting): No. I did tell him I had a relief man; that the corner was covered.

Q. Did you pick out your own relief man?

A. Yes, I picked out my own relief man.

Redirect Examination

Q. (By Mr. Mouritsen): Mr. Relis, do you obtain the magazines from Joe Woods? [341]

A. Yes, sir.

Trial Examiner Kennedy: Is there anything further?

(No response.)

Are you a member of the Newsboys Union?

The Witness: Yes, sir.

(Testimony of Harry Relish.)

Trial Examiner Kennedy: Did you obtain any license from the City of Los Angeles to operate on that corner down there, or from the police department?

The Witness: No, sir. [342]

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## HARRY THOMAS GISH

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

### Direct Examination

Q. (By Mr. Mouritsen): Mr. Gish, where do you reside? A. 122 Commercial Street.

Q. In the City of Los Angeles?

A. Yes, sir.

Q. And during the year 1937, did you sell the Evening Herald and Express? A. Yes.

Q. At what spot, if any?

A. Well, in front of the Grand Central Market at Third and Broadway.

Q. And who was your district man?

A. Why, Joe Woods.

Q. Now, were you ever removed from that spot by Joe Woods? A. Yes.

Q. And when did that occur?

A. I would say that was sometime before Christmas in 1937. [365]

Q. Now, will you tell us just what occurred with reference to your removal from that spot?

(Testimony of Harry Thomas Gish.)

A. Well, when I came to work on one Monday morning, I was asked by the man on the main corner if I had been told anything the week before, and I told him no, and he said, "Well, there is a man in your place, and Joe Woods said for you to come and see him at Third and Hill." And I went to see Joe. So he said he had——

Q. (Interrupting): Now, you saw him at Third and Hill? A. Yes.

Q. And approximately what was the date of the conversation?

A. Well, I wouldn't be able to recall just the exact date, but it was sometime before Christmas in 1937. It could possibly have been two months before or maybe a little less or a little more. I couldn't just definitely state.

Q. Was anyone else present at that time?

A. When I talked to Joe Woods?

Q. That is right.

A. Well, there was a man on the corner, yes, but he wasn't paying any attention to what we were talking about.

Q. What did Joe Woods say to you, and what did you say to Joe Woods?

A. I asked him what was the matter.

He said, "Well, I have had a lot of complaints against you." That is what he told me, and he said, "I will try and [366] get you back on the corner." That is what he told me. And he said, "Come around and see me again," and I went

(Testimony of Harry Thomas Gish.)

whenever he told me, whenever it was; in fact, I went three or four times and he promised me the same thing every time, but he never did put me back.

Mr. Mouritsen: You may inquire.

Cross Examination

Q. (By Mr. Compton): Do you sell newspapers at the present time? A. Yes.

Q. Where do you sell?

A. Sixth and Spring.

Q. What papers do you sell?

A. I sell the Examiner and Times in the morning.

Q. You don't sell afternoon newspapers?

A. Well, not what I could be classed as an afternoon hustler, no. I help out the fellow on the main corner occasionally when he wants to go to lunch or something.

Q. In this conversation you had with Mr. Woods, or any of the conversations concerning which you have testified, did Mr. Woods tell you the nature of the complaints he had?

A. Well, he said something or other to the effect that I had on a dirty shirt.

Q. Is that all the complaints?

A. That is all he ever told me. [367]

Q. At the time of the instances you mentioned, who delivered your papers to you?

A. He delivered them to the corner, and I picked them up on the corner over by the drug store, at Third and Broadway.

(Testimony of Harry Thomas Gish.)

A. And by "he," you refer to Mr. Woods?

A. Yes. I wouldn't say that he delivered them every time personally, but the truck brought them around and whoever he might have on the truck was the one that left the papers there, and I come to the corner and picked them up there.

Q. How long have you been selling newspapers at Sixth and Spring?

A. I have been working around there for the last couple of years.

Q. How long a period elapsed between the time that you ceased selling Heralds and started to sell the morning papers?

A. Well, after I left there, why, I sold nights for a while at different places, and then finally I went to work there. I work on the morning papers.

Q. When you refer to the fact that you sold nights, were you selling then the morning papers?

A. Yes.

Q. And you never thereafter sold——

A. I have never had a Herald corner since that.

Q. Or a News corner? A. No. [368]

Q. Except as you testified, you worked relief?

A. That is right.

Q. Where you are working as relief now, whose district is that in? A. Solly Epstein's.

Q. Has he made any—has he ever discussed the matter with you, had any conversation with you concerning your working on relief shift there?

(Testimony of Harry Thomas Gish.)

A. No, he never did, he never did say nothing at all to me.

Q. And who did you say you relieved for?

A. Louis Schwartz.

Q. And with whom did you make your arrangements to work relief there?

A. Well, with him, naturally.

Q. Mr. Schwartz? A. Yes, sir.

Q. And does he pay you for your services there?

A. Well, yes.

Mr. Compton: That is all.

Mr. Hall: This testimony is not being offered against the Los Angeles Examiner, is it, Mr. Mouritsen?

Mr. Mouritsen: Not at all.

Mr. Cosgrove: Nor against the Los Angeles Times?

Mr. Mouritsen: No, Mr. Cosgrove.

Cross Examination

Q. (By Mr. L. S. Binford) Mr. Gish, were you selling the [369] Evening News in 1937, at or about the time you had this conversation with Mr. Woods?

A. Yes, sir.

Q. And the Evening News was the same paper that is now known as the News?

A. That is right.

Q. Mr. Woods didn't deliver those papers to you, did he? A. No, sir.

Q. Or he wasn't the man that delivered them to the corner boy, was he? A. Not the News, no.

Q. That is what I say, the News?

(Testimony of Harry Thomas Gish.)

A. No, sir.

Mr. L. B. Binford: That is all.

We will ask, perhaps, a stipulation that the conversation between the witness and Mr. Woods shall not be held to be binding upon the Daily News or on the News, or the Stockholders Publishing Company, Inc.

Mr. Mouritsen: Yes, I will so stipulate. However, I desire to go into this.

Redirect Examination

Q. (By Mr. Mouritsen) Where did you obtain the copies of the News that you handled at that spot?

A. Well, on the corner, the southwest corner is where I obtained the News. [370]

Q. The southwest corner? A. Yes.

Q. I refer, Mr. Gish, to the period back in 1937 when you were on the Grand Central Market spot.

On that spot did you handle the News?

A. Yes. If it has any bearing on the case, I wish to state that at all times I had the News, even before they were consolidated; I mean that one boy went to selling both of them, because the corner didn't seem to be worth it to have anyone there with the News at that time, or something, and I had both of them.

Q. And while you were on the spot, where did you obtain your copies of the then Evening News?

A. Well, on the southwest corner. That is what I was stating. [371]

## GENE LeROY ALLEY

called as a witness by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

### Direct Examination

Q. (By Mr. Mouritsen): Where do you reside, Mr. Alley?

A. 579½ North Boyle Avenue, Los Angeles.

Q. Do you occupy any position with the Newsboys Union at the present time? A. I do.

Q. What position is that?

A. I am the secretary of the Newsboys Union. [372]

Q. (By Mr. Mouritsen): Now, Mr. Alley, in your official position with the Union, do you have custody of the records of that Union? A. I do.

Q. As well as the minute book? A. Yes.

Q. The Constitution? A. Yes. [373]

Q. (By Mr. Mouritsen) Are these the minutes which you received, Mr. Alley, from your predecessor in office? A. They are. [381]

The hearing was resumed, pursuant to the taking of adjournment, at 9:30 o'clock a.m. [388]

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## ARTHUR STEUART

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

(Testimony of Arthur Steuart.)

Direct Examination

Q. (By Mr. Mouritsen) Where do you live, Mr. Steuart?

A. 151 North Sparks Street, Burbank.

Q. Do you at this time sell the Evening Herald and Express? A. I do.

Q. And the Daily News? A. I do.

Q. And at what spot do you engage in those operations?

A. At the corner of Santa Monica and Western Avenue.

Q. Where did you first start to sell the Evening Herald and Express? [390]

A. I first sold the Evening Herald and Express at the corner of Hollywood Boulevard and Highland Avenue.

Q. And who put you on that spot?

A. Kenneth France.

Q. He is the district manager for the Evening Herald and Express? A. He is.

Q. And approximately when was that?

A. February 1932.

Q. How long did you remain on that spot?

A. I remained on that spot until May of 1933.

Q. And what occurred at that time?

A. Well, at that time I had a run-in with the man who operated the drug store on the corner there. He called the Evening Herald and Express and said I had done some things that I had not done. Mr. Brewster came out, saw the man, and he fully

(Testimony of Arthur Steuart.)

agreed that I was right, but the man insisted that I be taken off the corner, so Mr. Brewster saw to it that I had a transfer to another corner.

Q. After that time were you transferred to another corner?

A. I was transferred next day to Hollywood and Western [391] Avenues, and then I was transferred the following week to Hollywood—I mean Santa Monica Boulevard and Western Avenue.

Q. By whom were you transferred the next time?

A. By Kenneth France.

Q. And is that where you sell at the present time, Santa Monica?

A. That is where I sell now.

Q. During what hours do you sell the Evening Herald and Express?

A. My hours are from ten o'clock in the morning until nine o'clock in the evening, but I have a man come down at seven o'clock and relieve me and works until nine.

Q. Has the Herald and Express District Manager ever said anything to you regarding the hours that you are to work?

A. That was the orders that were given to me when I first went on the corner, to be there at ten o'clock and that I would work until nine, but the idea is all the way through the district and the man quits at seven and another man takes his place until nine, at the corners that work until nine.

Q. Who was the district man that so instructed you? A. Kenneth France.

(Testimony of Arthur Steuart.)

Q. Now, after you were given those instructions, have you ever had any conversation with Mr. France regarding those orders? [392]

A. Not regarding those orders, no. At times, why, we have had calls where we were to come in earlier, and at times we have had calls where we were to stay late.

Q. From whom?

A. From Kenneth France.

Q. Did Mr. France ever have a conversation with you regarding the fact that you were not on the corner during those hours?

Q. Well, have you had any such conversation with Mr. France during the past year?

A. Well, I would say anywhere from six to nine months ago.

Q. Where did this conversation take place?

A. On the corner.

Q. And who were present?

A. Just Mr. France and myself. He called me to his car and [393] showed me a slip that he had, a yellow slip that he said was given to him, the spotter who drives through the district had come by the corner and on the slip it was written out the different corners that were checked. My corner appeared and at the hour of 8:58 no hustler, no papers.

Q. And after Mr. France showed you that, did you have a conversation with him regarding that?

A. He told me I should take up the matter with the man who works on the corner to be there until nine o'clock, never to leave before nine o'clock.

(Testimony of Arthur Steuart.)

Q. Did you have any further conversation with him at that time?

A. That was about all.

Q. Were you on this corner at Santa Monica and Western when the newsboys, the Evening Herald and Express newsboys, started to handle also the News? A. I was.

Q. And I believe that date has been fixed as on or about November 1, 1937. Now, will you explain, Mr. Steuart, just what occurred at that time and what instructions, if any, you received from Mr. France regarding the handling of the News? [394]

The Witness: Mr. France called me to his car and told me that beginning the following Monday, whichever date that was, that we would begin to handle the Evening News and that we were to carry the News at all times on the inside of our paper. Later on it came up that we were to put them on the outside of our paper, where they were to be seen.

Q. (By Mr. Mouritsen) And after that time did you receive a check from the News?

A. Yes, sir, I do.

Q. And do you also at the present time receive a check from [395] the Evening Herald & Express?

A. Yes, I do.

Q. Will you explain just what your duties are, and how you engage in your operations at the present time?

A. My duties are to be on the corner to receive the papers when they get there and work until the hours that I have told.

(Testimony of Arthur Steuart.)

The Witness: I supply the boys who work on the corner for me with papers, check them in, and check in to Mr. France.

Q. (By Mr. Mouritsen) Have you ever received any instructions from the district manager of the News regarding the manner of displaying the News?

A. Yes, I have, a few times.

Q. Who is the manager who gave you such instructions?

A. I could not tell you his last name. All I know is his name is Willie. I got it from you one day but I can't remember what it was. It was an odd name.

Q. Has he given you such instructions on more than one occasion? A. He has. [396]

Q. On approximately how many different occasions?

A. Oh, I would say four or five different occasions.

Q. And within what period?

A. Since I have been handling the News.

Q. Now, would you state in general just what those instructions are?

A. Well, the trouble seems to be in the way that we carry the News, and the way it is handled. They wanted me—as I said before, first we were told to carry the papers inside the Herald and they came out and wanted us to carry them on the outside and said that was the agreement. Later on that was changed and they wanted me to carry a paper in

(Testimony of Arthur Steuart.)

the opposite hand of what I carried a Herald so that it can be seen, displayed.

Q. Prior to the time when the papers were consolidated, Mr. Steuart, that is, the handling of the papers, did you receive returns from the Herald-Express? Were you permitted to return all unsold copies? A. No, sir, I was not. [397]

Q. (By Mr. Mouritsen) After you started to handle both papers, on or about November 1, 1937, did you on a number of days report to the branch office of Mr. Brewster?

A. You are talking about the time of the change-over, when the price went up to five cents, November 1st, 1937?

Q. That is the time.

A. We were to report to the office for three days, at just our orders to bring them down, because the paper naturally would drop off going from three cents to five cents, and to bring our orders down to meet the demand at that time.

Q. From whom did you receive instructions regarding your reporting, if anyone?

A. From Mr. France.

Q. And did you so report? A. I did.

Q. On these occasions when you reported to the branch office, will you explain what occurred, what you did and what anyone else there did? [398]

A. Well, I placed my order for the next day accordingly, to what I had sold that day.

Q. And after that three-day period what was

(Testimony of Arthur Steuart.)

done with reference to the number of papers that you received from the Evening Herald-Express?

A. Well, after the three-day period I placed a standing order which I would receive every day.

Q. Now, since that time have you been permitted to make returns of unsold copies that you have had left over?

A. Only on two or three occasions.

Mr. L. B. Binford: You are talking now about the Herald & Express only?

Mr. Mouritsen: That is right.

Q. Will you explain what these two or three occasions were, what occurred on those times

A. Well, a couple of times that the paper was real late getting on the corner, didn't get to the corner until about 6:30, where they usually get there before 6:00, and there was an agreement made by Mr. France that I would be able to turn in the copies for that night, and then here a few weeks ago when this war business started, where Germany started into Belgium and Holland, why, the first day we were loaded up very heavily with papers and Mr. France told me that he would be able to return any unsold copies that evening.

Q. When you say you were loaded up with papers, were those [399] papers in addition to the regular amount that you received?

A. Yes, sir. They were considered as extra copies.

Q. Did you order that extra amount of papers?

(Testimony of Arthur Steuart.)

A. No. No time do I order an extra amount of papers unless—that is, during the period of my work if I see papers are going to go I can phone in and order them, but when there is an extra or anything like that breaks they are sent out to me on the corner without my knowledge of how many I will get.

Q. At the time, November 1, 1937, the price of the Evening Herald & Express was changed; is that correct? A. That is right, yes.

Q. How were you notified of that change in price?

A. Mr. France called me to his car and asked me if I had heard the change was going to take place. I told him I had not. He told me that the paper was going to five cents and that the newsboy would receive two cents profit from the paper.

Q. Prior to that time when you started to handle both the Evening Herald & Express and the News had you received any instructions regarding the handling of the News?

A. Prior to that time?

Q. Prior to the time.

A. Yes, sir. I was told at no time to ever handle the News. If a man came up and asked me for a News, if the man [400] was not on the corner I should tell him that I could not sell him the paper; I was not selling the Evening News.

Q. From whom did you receive such an instruction? A. From Mr. France.

(Testimony of Arthur Steuart.)

Q. Have you ever received any instructions from any district manager regarding publications that you were not to handle?

A. Yes, I have, from Mr. France.

Q. And approximately when did you receive such instructions?

A. Oh, within the last year.

Q. And what have been such instructions, and relating to what publications?

A. Well, there was some racks on the corner where there would be the People's World, the Hollywood Tribune, I believe was the name of it, the Sports Weekly, and the Ham and Eggs paper, and I was told by Mr. France that if I was handling those I would have to quit handling them because it was not allowed by the Evening Herald & Express, that I was only to handle papers that were authorized by the Evening Herald & Express.

Q. Have you ever had any discussion with Mr. France regarding a boy to relieve you? [401]

The Witness: Yes.

Q. (By Mr. Mouritsen) And approximately when did you have such a conversation?

A. Well, in 1935 I wanted to take a month off and go East, and I told Mr. France that I had a boy to take my place on the corner, and he said well, that wasn't his policy, that his policy was to put some one on the corner who worked for him.

Q. And did you take a vacation?

A. I took the vacation.

Q. And did the man you had selected as relief

(Testimony of Arthur Steuart.)

handle the corner during that time while you were on your vacation?

A. No; Mr. France put the man on the corner.

Q. Now, from time to time during the past three years, Mr. Steuart, have you received advertising placards regarding the Evening Herald and Express? A. I have.

Q. From whom?

A. From Mr. France. [402]

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BOARD'S EXHIBIT No. 7

(Herald and Express Cardboard Circular)

Motion Picture Contracts—Screen Tests—Scholarships.

Hundreds of Other Prizes.

Phone Exposition Editor for Details.

Los Angeles Evening Herald and Express.

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Q. (By Mr. Mouritsen) Now, with reference to such advertising placards, that is, Board's Exhibit No. 7, have you received any instructions from Mr. France with reference to them?

A. Yes. We have boxes that we put our papers on, there is little notches made in the box for these placards, that these placards will fit into, and I am told to give those to the boys who work for me and have them put in the boxes.

Q. And do you have such a box? [403]

(Testimony of Arthur Steuart.)

A. Yes.

Q. Who furnished that box?

A. The Evening Herald and Express.

Q. It is not your box; is that correct?

A. No, it is not.

Q. And after receiving such instructions, have you carried them out? A. I have, sir.

Q. At the present time do you have any racks for the display of the News? A. I do.

Q. And are those your racks?

A. They belong to the Evening News.

Q. Have you ever received any instructions from your News District Manager with reference to such racks? A. Yes. [404]

Q. (By Mr. Mouritsen) Have you on more than one occasion received instructions with reference to those racks? A. I have.

Q. On approximately how many different occasions?

A. I couldn't say the approximate number. I am told every once in a while that I am to keep the papers displayed in that rack at all times.

Q. Well, now, during what period have you received such instructions?

A. During the time that I have handled the News.

Q. And that is since November 1, 1937, to the present time? A. That is right.

Q. Are you a member of any labor organization, Mr. Steuart?

A. Nothing other than the Union #75, Local Industrial Union.

(Testimony of Arthur Steuart.)

Q. That is the Newsboys Union?

A. Yes, sir. [405]

Mr. L. B. Binford: The Stockholders Publishing Company moves that all testimony of the witness respecting the report by Mr. France, district man of the Herald and Express, regarding a spotter of the Herald and Express, be stricken in so far as the Stockholders Publishing Company is concerned.

Trial Examiner Kennedy: What do you have to say on that?

Mr. Mouritsen: Well, Mr. Examiner, the Examiner is acquainted with the information that has already been put in the record regarding this agreement between the Evening Herald and Express and the News with respect to the handling of the papers by a single set of newsboys. Now, in order not to conflict with that, I would oppose the granting of this motion.

Mr. L. B. Binford: There is not one scintilla of evidence before this Examiner or in the record to the effect that there is any common relationship between the papers with respect to their district men, or instructions given by their respective district men, nor with respect to the use of advertising matter, or racks, or anything of that kind. The only testimony is a small body of testimony so far, although [407] it has been offered in the form of stipulation, that the same newsboys sell the Herald and Express in some instances and the News. Now, certainly we are not bound by spotters of the

(Testimony of Arthur Steuart.)

Herald and Express, nor what the district man of the Herald and Express has to say to this witness respecting the handling of the Herald and Express; and we were very careful in our general motion to not include any testimony the witness gave respecting any instructions that he received from our district man, and he admits we have a separate district man; or with respect to any instructions which this witness says that he received regarding the placing of papers, or the handling of our rack, or our box, or anything of that kind, we are not including; but they are separate and distinct organizations in so far as the district man and method of handling are concerned.

Trial Examiner Kennedy: Well, do you agree with this last statement, Mr. Mouritsen, that any instruction given the vendors by the Herald & Express men could not possibly be construed as instructions of the News? Or is it your contention that there is an intermingling there, that you are going to establish by the evidence—an intermingling, or transmission of authority or direction?

Mr. L. B. Binford: With the district man.

Mr. Mouritsen: That is right.

Trial Examiner Kennedy: Or something along that line. [408] That is the only basis on which I could see that this testimony should stay in with respect to the News.

Mr. Mouritsen: I think the Trial Examiner has stated the position of the Board in that matter very

(Testimony of Arthur Steuart.)

well. The difficulty is we have not been able to go into that relationship more fully. It will be gone into at the time when the case—when the evidence or matter regarding the News is presented, and after such time perhaps we could determine more fully just what the exact nature of that relationship is. At the present time the record is not in such a shape to permit a correct appraisal of that.

Mr. L. B. Binford: I direct counsel's attention to the fact that there have already been three district men introduced by the Union—called by the Union for the Herald & Express, and no effort whatsoever was made to tie in their having any authority to act or speak for the Daily News. And the circulation manager of the Herald & Express has been called and recalled and recalled and no effort has been made to tie in any such point—or authority with respect to the common employment of any district men. And I direct attention also to the fact that yesterday on many occasions, on similar motions, not only were they sustained by the Examiner but the counsel joined in a stipulation in two or three instances that such testimony should not be held to be binding upon the Stockholders Publishing Company, publishers of the [409] News.

Trial Examiner Kennedy: Well, I do not know those situations are exactly the same as the one testified to here this morning.

Mr. L. B. Binford: I think with respect to the newsboys they were.

Trial Examiner Kennedy: I think we are en-

(Testimony of Arthur Steuart.)

titled to know what your offer of proof is along that line, Mr. Mouritsen. Do you offer to prove that there is an intermingling here, or do you not?

Mr. Mouritsen: Well, Mr. Trial Examiner, I am not prepared at this time to make an offer of proof in that respect. I call attention to the fact that inquiry was made of the circulation manager of the Evening Herald & Express regarding these conferences between the publishers, at which this matter was taken up. I think you will recall that his recollection with reference to what was done and said at those conferences was very poor. I am merely going to attempt to ascertain with more particularity from other witnesses what occurred upon this conference, and I think upon that basis only can an appraisal of the relationship be determined.

Mr. L. B. Binford: In the present state of the record might I suggest the Stockholders Publishing Company will be perfectly willing to stipulate if the motion as originally made by Stockholders' counsel is granted that if any testi- [410-11] mony sufficiently persuasive to convince the Examiner that there is an intercommingling of relationships between the district men of the two papers, or if the district man of one paper has any right to represent the other paper in any shape, form or fashion, we will stipulate that the testimony which should go out in the present state of the record may be reinstated.

Trial Examiner Kennedy: I think that is a

(Testimony of Arthur Steuart.)

proper solution and I will grant the motion in its entirety to strike as to the Stockholders Publishing Company without prejudice to reconsideration of that motion, and a motion to reinstate should the record show that the authority of any of these men who have given instructions to this witness—that they are speaking for the Stockholders Publishing Company.

Mr. Compton: If the Examiner please, I would like to make the same motion, and offer the same stipulation, in reference to the testimony of this witness concerning alleged directions given him, and other matters of so-called control exhibited by the district manager of the News.

Trial Examiner Kennedy: Well, now, you will have to be a little more specific on that.

Mr. Compton: My recollection is that the witness testified that he was given certain instructions by the district manager of the News, in reference to the manner of displaying the News, and possibly there was other testimony along that [412] line. My recollection is not too clear on that, but it would seem to me that the motion, though general, is sufficiently specific to identify the matter if I state it in the form of objecting to any testimony offered by the witness concerning instructions given to him by any district manager of the News. That would seem to me—in other words, that any such testimony would be not binding on the Los Angeles Evening Herald & Express.

(Testimony of Arthur Steuart.)

Trial Examiner Kennedy: What do you have to say to that, Mr. Mouritsen?

Mr. Compton: Mr. Mouritsen, you understood I offered the same objection and the same stipulation?

Mr. Mouritsen: Well, I understand that. However, I think it is the Trial Examiner's prerogative to pass upon the offer of any motions made. I will be willing to agree with Mr. Compton upon any motion considered here by the Trial Examiner in the record.

Trial Examiner Kennedy: Well, is the situation any different as to the representatives of the News giving this man instructions? Do you think the record showed that they had any authority to bind the Herald & Express?

Mr. Mouritsen: Well, there again, Mr. Examiner, I am not in possession of the facts and it is because of the difficulties that I pointed out before. In other words, this agreement, if agreement there was, was made by the representatives [413] of the publishers. Now, I am compelled to seek to ascertain the nature of that agreement and just what it embodies from the representatives who made such an agreement, if there was such an agreement.

Trial Examiner Kennedy: And you don't know what that agreement was, if it existed?

Mr. Mouritsen: That is right, Mr. Examiner.

Trial Examiner Kennedy: Have you made any effort to ascertain what it was?

Mr. Mouritsen: I think, if you will recall, from Mr. Harrison.

(Testimony of Arthur Steuart.)

Trial Examiner Kennedy: And you contend that his testimony establishes such an agreement, one that will permit the supervisors of one paper to bind the other paper in their instructions to vendors

Mr. Mouritsen: I am only able to state, Mr. Examiner, that from Mr. Harrison's testimony the situation is not clear. In other words, we have on the one hand the facts established that these men, these newsboys, took over the handling of both papers, that they after that time were given instructions with reference to the handling of those respective papers. Now, on the other hand, the management or the publisher, Mr. Harrison, has testified it was made for their mutual benefit. Now, we are seeking to determine just what the nature of that agreement was. [414]

Trial Examiner Kennedy: You say that the gist of his testimony was for the mutual benefit?

Mr. Mouritsen: That is the way I understood the testimony, Mr. Examiner.

Trial Examiner Kennedy: Well, I have some doubt as to what that testimony was, and in that event I will deny the motion.

Mr. Compton: If the Court please, I didn't want to interject, but I did want to be heard before your Honor ruled. This much is true: Mr. Mouritsen had full control of the manner and way in which he put on his testimony. I am not going to object if he puts on testimony out of order, but I am going to call the Examiner's attention

(Testimony of Arthur Steuart.)

to this fact, that he has known these men were selling these papers for some considerable time; that he has been in contact with me and he has, I think he will admit, received full cooperation from me. He has been permitted—I have produced every witness he has asked for. He chose to start his case by attempting to show the general picture first. That was the way he chose to bring the facts to the attention of this Examiner, and in pursuance of that plan he called the general officers first and interrogated them generally on the whole setup.

Now, Mr. Harrison testified concerning that agreement. He testified that it was nothing more than an acquiescence of the two managements that they would not object to newsboys [415] selling a publication which competes with theirs. He did testify it was for the mutual benefit of the newspaper and the boy. By that testimony he meant that it made the boy more money, it made him a better businessman because he was making a profit, and it attracted a better class of men; and if your Honor will go back into the testimony, you will find that that was the mutual benefit—not mutual benefit to the two papers.

Now, in addition to that fact, Mr. Mouritsen has put on district men and he has elicited from his own witnesses that as to the Evening News they took their instructions from the Evening News district men, and this very witness, as to the man-

(Testimony of Arthur Steuart.)

ner of displaying the news, testified he took his instructions from the News district man.

Our district men, he has put them on, three or four of them, and they have always testified they handle only the Herald and Express, they give instructions only with reference to the handling of the Herald and Express. There isn't a scintilla of evidence to establish anything other than that the management of the respective papers have agreed that they will not object to news vendors selling a publication which competes with theirs, and that is all there is in this record.

Mr. Mouritsen: Mr. Examiner, I would merely like to point out that in respect to this arrangement being for the mutual [416] benefit of the paper and the newsboys, that it wasn't pointed out by Mr. Harrison how this was to the mutual benefit of these newsboys who were eliminated by the consolidation.

Mr. Compton: There is no testimony in the record there was any elimination. It seems to me, if the Court please, that we are certainly entitled, in view of the fact that the control of the manner of producing the testimony is in Mr. Mouritsen's hands, he has been furnished every witness he has asked for, and he still now complains that some time in the future he is going to connect it up. He could have done it with the very first witness, and yet we are asked to sit here and see this testimony go into the record, possibly to be stricken, if we can remember it all and get it to the atten-

(Testimony of Arthur Steuart.)

tion of the Examiner, solely because of the fact that he doesn't want to or he refuses to accept the fact that the evidence he thinks exist doesn't exist. There is no reason why we should be penalized because he doesn't put on his case in the proper fashion. If he thinks there is control, he could have established that by the very first witness he put on the stand. He has never asked for any other witnesses.

Trial Examiner Kennedy: Well, as a practical matter, you can't be penalized, as far as I can see. All this testimony is in the record regardless, and if the final record, the complete record, does not tie the story of a particular witness up to a particular paper, no finding can be made that it does [417] on the entire testimony, and there is no contention here that anything should be physically stricken from the record; so as far as penalizing any party, that is more apparent than real—that is, that is not a fact, as far as I can see. There is some question in my mind as to exactly what the testimony of Mr. Harrison was in that respect, and although I believe the Board's attorney, or the attorney for the union, or whoever is prosecuting the case, should have the theory of his case in mind, and we certainly are not going out on a fishing expedition where I don't know what we are bringing out, still if there is some evidence to the effect that the supervisors of one paper bind the other paper in their dealings with the vendors, I

(Testimony of Arthur Steuart.)

think at this point the testimony should be allowed to stand as to the other paper.

The motion to strike can be made at the close of all testimony with the same effect as it can be made now, and the ruling is made without any prejudice to making such a motion at that time.

Cross Examination

Q. (By Mr. Compton) Mr. Steuart, you are what is termed a "wholesaler," aren't you?

A. That is the term that has been given here in the courtroom, I believe.

Q. Well, by that I mean papers are delivered to your corner and you deliver them to so-called off spot boys and you re- [418] ceive a check for that, don't you? A. I do.

Q. Now, these boxes you testified concerning, they are just ordinary wooden boxes, aren't they?

A. They are.

Q. And they are given to you, aren't they?

A. They are.

Q. And the purpose of them is only to lift the papers up off the street so they won't be molested by dogs or by passersby, isn't it?

A. For that and for display purposes.

Q. Now, these placards that you testified concerning, they advertise special features in the Herald & Express, don't they? A. They do.

Q. And they help you sell your papers, don't they?

A. I imagine that is what they are for.

(Testimony of Arthur Steuart.)

Q. In fact, they do increase the sale of your papers, don't they? A. I believe they do.

Q. And you make more money when you sell more papers, don't you? A. I do.

Q. That is right. You testified that in February 1932 you were selling papers at the corner of Hollywood and Highland [419] and that you had a run-in with the drug store and that you were falsely accused. What was the nature of the accusation?

A. Do you want me to tell what happened in the drug store; is that it?

Q. I want you to tell me what you meant by being falsely accused by this drug store man.

A. Well, the man who owned the drug store had a fight in the store with one of his clerks and he had the clerk over a marble machine and was choking him, and another man and myself stepped in and separated them, pulled him off the man he was choking, and the man he was choking reached over and picked up an iron bar and hit him over the head with it and split his head open; and so he called the Evening—first, he came to me and asked me if I would go into court and make a witness for him, and I told him I would make a poor witness because I figured it was self defense; and he asked me what paper I worked for and I told him and he said, "I will have you taken off this corner." And he called the Evening Herald and Express and they sent a representative out to see the man, which was Mr. Brewster and

(Testimony of Arthur Steuart.)

Mr. France, I believe. Mr. France came out to the corner and asked me——

Q. That is all. Up to that point. I just wanted to find out what it was. What did he falsely accuse you of? I still haven't found that out.

A. I was going to work up to that if you had given me time. [420]

Q. All right.

A. I was going to tell you the accusation made to Mr. Brewster and Mr. France. Mr. France called me into the drug store and Mr. Brewster asked me my side of the story. He had heard the other man's side of the story. The man claimed I had held him while the other man hit him over the head with the iron rod. That was the accusation.

Q. How long did you stay there after the incident occurred?

A. I didn't stay there another minute. I was taken off of that spot.

Q. Was that a good corner that you were on, Hollywood and Highland?

A. It was a good corner.

Q. (By Mr. Compton) As a matter of fact, the change you made afterwards caused you to make more, didn't it?

A. It was a little better corner, yes.

Q. So you suffered no harm, no financial detriment, by being removed from the corner?

A. I did not.

Q. What other publications do you sell besides

(Testimony of Arthur Steuart.)

the Evening Herald & Express and the News? [421]

A. Besides the Evening Herald & Express and the News? I sell the morning Examiner and the Times.

Q. And do you sell the Saturday Evening Post?

A. I sell the Saturday Evening Post and Liberty.

Q. Do you sell Collier's?

A. Collier's and Look, yes.

Q. Do you sell Look? A. Yes.

Q. Now, you testified that when you were loaded up with extras, and by that you meant that extras were sent out without any order from you?

A. Yes.

Q. In truth and in fact, every time that occurred and you were unable to sell those extra papers you were permitted to return them?

A. I was not.

Q. You were not? A. I was not.

Q. Didn't you have at all times full control over your order? A. I have not.

Q. You mean to say you can't regulate your order now?

A. If I can regulate my order?

A. Yes.

A. My regular order or extras how is what I want. [422]

Q. Well, you testified you never did order any extras. You testified they were sent out without order?

(Testimony of Arthur Steuart.)

A. The regular order I can regulate to some extent.

Q. What do you mean "to some extent"? You can regulate your order, can't you?

The Witness: I will explain that now, how I can regulate my order. Up until the past few months my order has been a standard order; if I wanted to regulate it I had to take them off of one edition and put it on another edition. For the past few months Mr. France has given me the privilege to take off a few papers where needed. Up to that time I wasn't.

Q. Isn't it a fact whenever you phone in an order you can raise it or lower it?

A. No. I can raise it but I have never been able to lower it without going to Mr. France, and that was just on one occasion he allowed me to take off papers in the last few months.

Q. You testified to three different occasions he allowed you to take off papers. [423]

The Witness: You say three different occasions?

Q. (By Mr. Compton) Yes.

A. Would you give me the three different occasions?

Q. I will have to go back. You said, "I have since then been permitted to make returns." You stated that on two occasions when the paper was late you were permitted to make returns.

A. That wasn't regulating my order. That was making returns on those three occasions I spoke

(Testimony of Arthur Steuart.)

of, but that wasn't my regulating my order. That is what you asked me.

Q. Well, isn't it a fact that when you want to, when the early editions are going bad, you think it is a bad day, you can call up and say you want less papers?

A. Of the next edition? No, sir.

Q. Do you mean to tell me you are taking the same order today and yesterday that you took three years ago?

A. No. As I spoke before, in November 1937 we changed those orders and since then the only place the order varies is on the night final edition. I am allowed to order my papers on the night final edition. I don't have to take one paper, or I can take as many as I want. That is to regulate my order on that edition.

Q. Doesn't that result in a regulation of your entire take? A. It does not. [424]

Q. How many papers do you take during the day? A. About 400.

Q. About 400? A. Yes.

Q. Now, how many papers do you take on the night final, or of the night final?

A. Of the night final?

Q. Yes.

A. On an average I take around a hundred papers.

Q. Now, you have just testified that you can take as many or none of the night edition as you want, haven't you? A. That is right.

(Testimony of Arthur Steuart.)

Q. Isn't it a fact, in truth and in fact, that your order varies from day to day from three to four hundred? A. It does.

Q. And that is subject to your control as you just testified?

A. On that one edition, yes.

Q. Now, you testified concerning the so-called change in price. Do you read the newspapers yourself? A. I do.

Q. Don't you know for a fact that for ten days to two weeks prior to the change in price of the Herald and Express it was carried on the front page, the price change?

A. I don't know the number of days. I know it was carried [425] on the paper.

Q. That is where you saw it then, wasn't it?

A. I was told first by Mr. France. I never saw it in the paper first.

Q. The change in price was carried approximately ten days before it went into effect, wasn't it?

A. I really couldn't say the matter of time. It was carried in the paper, I will agree.

Q. And you saw it there, didn't you?

A. I saw it there.

Q. Now, you testified concerning a period at which you were notified not to handle the News. Do you recall that? A. Yes, sir.

Q. In truth and in fact, wasn't it the News district man that said you were not to handle the News? A. No.

Q. Are you sure of that? [426]

(Testimony of Arthur Steuart.)

A. The Herald district man is the one who told me that.

Q. Are you sure—— A. I am.

Q. ——that the district man of the News did not say, "You can't handle the News if you handle the Herald"?

A. Those are exactly the words he told me.

Q. The News district man told you that?

A. No. The Herald man told me that.

Q. Didn't the News district man tell you——

A. The News district man——

Q. Just wait. Didn't he tell you that you could not handle the News as long as you were handling the Herald; that they wanted a separate product handled in their organization?

A. He never spoke to me one way or the other about it; the News district man did not.

Cross Examination

Q. (By Mr. L. B. Binford) Mr. Steuart, the money that you make from the sale of Look, Collier's, the Post, and other publications not including the Herald and Express or the News, is all retained by you, is it, as profit?

A. Yes, sir.

Q. You do not make any accounting for that to anybody except to yourself, do you?

A. No, sir. [427]

Q. And you have, during the period of time that you have been selling both the News and the Herald and Express, which is from November 1, 1937, I be-

(Testimony of Arthur Steuart.)

lieve, you have received and you have had your dealings with district men from both papers, have you not? A. I have.

Q. Do you remember the name of the district man that you have talked with from time to time who represents the News?

A. All I could tell you, his name is Willie.

Q. All you can remember is that his name is Willie?

A. I don't know his last name. It is an odd name. He told me what it was, but I have forgot it.

Q. Now, is the man whose name you refer to as Willie—he is a district man, isn't he?

A. I believe that is his capacity.

Q. You yourself are a wholesaler; that is, you distribute papers to the boys on the corners?

A. That is what I am termed, is a wholesaler.

Mr. Mouritsen: I believe, if I recall, you are the witness who told me you could recall the name if I supplied it. I have discovered the name, if you——

Mr. L. B. Binford: I would be glad to have you state it for the purposes of the record.

Mr. Mouritsen: That is Willie Matz.

Q. (By Mr. L. B. Linford) Is that the name as you recall it? [428] A. That is the name.

Q. Now, you have been selling the News for a period of about two years and a have in conjunction with the sale of the Herald & Express?

A. Since November 1st, 1937.

(Testimony of Arthur Steuart.)

Q. And you were furnished, you testified, with certain racks; is that right?

A. That is right.

Q. Now, what are those? Metal racks or wooden racks? A. Metal racks.

Q. Do they have a place on which you can place the papers?

A. A place in which the papers are displayed, yes, sir.

Q. Where the paper can be displayed?

A. Yes, sir.

Q. Do they hold more than one paper?

A. Yes, sir.

Q. How many will they hold?

A. I would say—well, it depends on the size of the paper. It would hold on an average of 15 papers.

Q. That rack is furnished you for your convenience, is it?

A. It is furnished for the convenience of the paper.

Q. And for the purpose of helping sell the paper and displaying it? A. That is right.

Q. You appreciate that rack, don't you? It is of value to [429] you, isn't it? A. It is.

Q. Did you pay any money for it?

A. I did not.

Q. It was furnished you free of charge?

A. That is correct.

Q. You knew when you got the rack in a general way what is was to be used for, didn't you?

(Testimony of Arthur Steuart.)

A. I was told that rack was to be——

Q. Suppose nobody had told you. Would you be able to guess what it was to be used for?

A. I would, yes, sir.

Q. Yes. You could pretty near have told by just looking at it, couldn't you?

A. That is right.

Q. You state that the man told you what it was for, but you would have used it for that if he had not told you, wouldn't you? A. I would.

Q. Now, you say that he came around and told you that several times. Did you have to be told that more than once?

A. Well, I told you if a paper happened to be out of the rack he told me that that was what the rack was to be used for. You see, there was four corners there and until the other boys came to work in the afternoon I handled all four [430] corners, and a man would walk up and take a paper out of the rack and I might not notice it.

Q. It might be the last paper?

A. I only keep one paper in the rack because people take papers out of the rack, and if you don't notice them take it they don't leave the money; whereas, if you only have one paper in the rack and if I see it is gone, it is more noticeable, and I will look around to see where the paper is.

Q. You like to use the rack, don't you? You think it is a good thing to have it there, don't you?

A. A rack of some—some form of display.

(Testimony of Arthur Steuart.)

Q. Some form of display. Yes. Now, you testified that Willy gave you instructions respecting the use of the rack many times, or, to use your exact words, several times. He did not give you any instructions, did he? There was only one purpose for which the rack could be used?

A. That is right.

Q. And you knew that when you first saw the rack? A. That is right.

Q. So the only thing he told you was when he would see perhaps you would overlook putting a paper in there, that it would be a good plan to keep a paper in the rack? A. That is right.

Q. To help you sell your papers?

A. That is right. [431]

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Steuart, I believe you testified on cross examination that you also sell the Times and Examiner; is that correct?

A. That is right.

Q. Will you tell us just what that consists of?

A. Sell the papers that are left by the man who sells the Examiner and Times in the morning. He leaves them in the rack on display. I don't carry the Examiner and Times. I just leave them there. Any that are sold, I just take the money and check in to him in the evening.

Q. That, in general, is just a few papers left over by the man—— A. That is right.

(Testimony of Arthur Steuart.)

Q. By the newsboy for the Times or Examiner; is that correct? A. That is right.

Recross Examination

Q. (By Mr. Compton) Mr. Steuart, if you sell those papers do you make the profit on them?

A. I do.

Q. As a matter of fact, you get on the corner early so you [432] can sell the Times and Examiner, don't you?

A. I get on the corner at the same time I am told to be there—10:00 o'clock.

Q. Do you after that time sell Times and Examiners? A. I do.

Q. Now, during your selling activities you do not confine yourself exclusively during the day to any one publication, do you? In other words, during the day you sell whatever anybody wants to buy?

A. What anybody asks for, exactly.

Q. Saturday Evening Post, Collier's, the News, anything that you have to sell? A. Yes.

Q. You do that all day long? A. I do.

Q. And you do not devote your services exclusively to any one publication? A. I do not.

Mr. Hall: You are not offering this as against the Los Angeles Examiner, are you?

Mr. Mouritsen: No, it is not claimed that is in explanation of anything in regard to the Examiner. [433]

Mr. Cosgrove: Would it be stipulated, Mr. Mou-

(Testimony of Arthur Steuart.)

ritsen, the testimony of Arthur Steuart has no application to the Times case?

Mr. Mouritsen: No, it is not claimed that this man is within the union—claimed to be a probative man on that basis.

Redirect Examination

Q. (By Mr. Mouritsen) Now, Mr. Steuart, did you carry in your hands or arms any publications during the day other than the Evening Herald & Express and the News?

A. Carry in my arms or hands? I do not.

Q. Who supplies you with the magazines, Saturday Evening Post and Liberty, that you sell?

A. Joe Woods.

Q. That is the district man for the Los Angeles Evening Herald & Express? A. He is.

Q. He is not the district man in your district, but——

A. No, he is the district man for the Evening Herald & Express.

Mr. Mouritsen: I think that is all.

Recross Examination

Q. (By Mr. Compton) These other publications you have testified to are pretty heavy, aren't they? Isn't a bundle of Saturday Evening Posts pretty heavy? [434]

A. I don't handle them in bundles. I lay the bundle on the sidewalk.

Q. Well, I say, the bundle would be pretty heavy? A. They would.

(Testimony of Arthur Steuart.)

Q. They are a weekly publication?

A. That is right.

Q. There wouldn't be any point in carrying them around in your arm anyway, would there?

A. Not that I know of.

Q. No. And they are right there at your corner for the purpose of sale like any other publication?

A. That is right.

Q. Just as available as any other publication, the Evening Herald and Express or the News?

A. That is right. They are right there on the corner. [435]

Trial Examiner Kennedy: Are you referred to as a check man?

The Witness: A check man, yes.

Trial Examiner Kennedy: What does that mean?

The Witness: I draw a check from the Evening Herald and Express and from the Evening News, for my services on the corner.

Trial Examiner Kennedy: How often do you draw those checks?

The Witness: Weekly.

Trial Examiner Kennedy: In addition to that you get a profit on the papers that you sell, do you?

The Witness: I do. [436]

Trial Examiner Kennedy: Anything further from this witness? Do you belong to the Newsboys Union? [439]

The Witness: I do, sir.

(Testimony of Arthur Steuart.)

Redirect Examination

Q. (By Mr. Mouritsen) Now, Mr. Steuart, will you explain just how you receive your papers during the day, the various editions?

A. They are delivered to me by truck.

Q. I see. And there are five or six of those different editions, is that correct?

A. We receive six in Hollywood. There are seven editions, I believe, to the paper. We receive six in Hollywood.

Mr. L. B. Linford: That is referring to the Herald and Express papers?

Mr. Mouritsen: That is correct. That is with reference to the Evening Herald and Express?

The Witness: That is correct, yes.

Q. (By Mr. Mouritsen) Now, how many of those papers on the various editions do you receive during the day? How is that determined?

A. By my order on the galley.

Q. And can you change the numbers of the editions other than the final edition, I believe it is, that you receive? [439-A]

A. I can change them from one edition to the other. I can take them off of the first edition and put them on the third, we will say, or I can take them off the third and transfer them to the second, that way, transfer them around.

Q. But up until the final edition you are permitted only to make changes within those editions, the total number remaining the same, is that correct?

(Testimony of Arthur Steuart.)

A. The total number remains the same as my standing order.

Q. I believe you stated that you obtained between three and four hundred papers a day from the Evening Herald and Express?

A. That is right.

Q. Does that include the papers that you give to the other boys on the three corners?

A. That includes the papers that I give out to the other corners.

Q. And on the other corners that you in turn supply, when do those newsboys come to work?

A. I have two corners that come to work at 12:30 and one corner at 2:30. Then I have a boy at Sears Roebuck goes to work at 4:00 o'clock.

Q. 4:00 o'clock in the afternoon?

A. 4:00 o'clock in the afternoon, yes. [439-B]

Recross Examination

Q. (By Mr. Compton) Mr. Steuart, how many Heralds do you personally sell per day on an average?

A. Under ordinary conditions, around 150.

Q. Do you know on an average how many News you sell per day?

A. Ordinarily I will sell around 75 or 80.

Q. Do you know how many Saturday Evening Posts you sell per week? A. Personally?

Q. Yes.

A. I couldn't say. I take out 60 Saturday Evening Posts and myself personally I cannot say how many of those I sell.

(Testimony of Arthur Steuart.)

Q. Do you know how many Libertys you take out? A. I take out 90 Libertys.

Q. Do you think you sell most of those?

A. I sell—I figure my average on my magazines, profit, is about $1.50 a week to myself.

Q. You testified that the check you got was, I believe, $10.80? A. $10.80 a week, yes.

Q. And that is less Social Security tax?

A. Less Social Security tax.

Q. How much is the Social Security tax?

A. Well, it brings the check down to $10.52 or $10.54. [440] I will see right here. It is $10.80 less 11 and 11; $10.58.

Q. That shows the tax then just on the amount of that check; doesn't it? A. It does, yes.

Q. Now, you have just testified that the wholesaling activities for which you receive that check commence as to two boys at 12:00 o'clock——

A. (Interrupting) 12.30.

Q. 12:30, and as to one boy at 2:00 o'clock——

A. 2:30, and one boy at 4:00 o'clock.

Q. What does that consist of? Explain what your wholesaling activities consist of.

A. Supplying those boys with the papers as the editions come out and check them in the evening.

Q. The papers are dropped on the corner you occupy?

A. They are dropped on all four corners. I get papers on every corner of the four.

Q. And you walk over there to where the papers are dropped? A. That is right.

(Testimony of Arthur Steuart.)

Q. And if it is after 12:30 two of these boys come over and you count them out the papers?

A. That is right.

Q. And you do that as each edition comes out?

A. As each edition comes out.

Q. How long does it take you, approximately, per edition [441] to do that?

A. Oh, I would say two or three minutes.

Q. Two or three minutes? A. Yes.

Q. And you do that every day?

A. Every day.

Q. And the rest of the time you occupy vending your own newspapers and magazines?

A. On the corner.

Q. And when do you collect for those papers?

A. When do I collect from the boys?

Q. Yes.

A. I collect from them in the evening, at 7:00 o'clock. They quit at 7:00.

Q. And then you check in to the district man at or about the same time?

A. I check in to the district man at about 6:30. He comes around. He checks me in from the night before. I have the money on hand. He don't check me in the day before.

Q. You are extended credit, then, until the next day?

A. Until the next evening, yes. [442]

Q. (By Mr. Mouritsen) Mr. Steuart, will you explain whether or not this regulation of your or-

(Testimony of Arthur Steuart.)

der, then, of the editions, except the final edition, can be done as a daily practice? A. It cannot.

Q. Will you explain how that is handled?

A. The district man tells me that it makes too much trouble in his bookkeeping to check that over from day to day, rearrange that, So I let that go on a period of time and if I see the papers are going bad in that one edition I try to figure out where they are going bad so I can put them on to the edition where they will move.

Q. And if you have papers, surplus papers, or unsold papers from these earlier editions prior to the final edition are you permitted to turn those in and receive credit for them?

A. No, I am not. I am not able to do that. I am told by the district man when I have those earlier papers to try to push them off before I go to work on my later papers, unless someone asks for a later paper, which makes it very difficult because people want a later paper, because the idea is I am supposed to get rid of all my papers. I do not get returns for them.

Q. (By Mr. Compton) You have testified you sell approximately 150 Heralds a day?

A. That is right. [443]

Q. That gives you a profit of $3.00 a day, doesn't it?

A. 150 Heralds would give me a profit of $3.00 a day.

Q. You testified you sell approximately 80 News a day? A. That is right.

(Testimony of Arthur Steuart.)

Q. That would give you a profit of $1.00 on the News?

A. It would, yes, a cent and a quarter.

Q. That would be $4.00 a day profit on the sale of those two papers? A. On those two papers.

Q. Then you get a check of $10.58 from the Herald? A. That is right.

Q. What is the amount of the check you get from the News?

A. The check I get from the News is $2.94; $3.00 less the Social Security.

Q. And you state you make approximately—how much did you state you made, approximately, per week on magazines? A. About $1.50.

Q. Well, what is your profit on 60 Saturday Evening Posts?

A. My profit on 60 Saturday Evening Posts would be a cent and a half. That would be 90 cents.

Q. And the profit on the Libertys?

A. It would be the same, a cent and a half.

Q. That is $1.50—between $1.50 and $1.80, approximately?

A. As I told you, I don't sell all those myself. I put them on the other corners. [444]

Q. Now, you figure about $1.50?

A. I figure that is about my profit, yes.

Q. That would make you about $38 or $39 a week?

A. I figure between $35 and $40 a week. I have never figured it right down to a penny because it varies.

(Testimony of Arthur Steuart.)

Q. Do you wholesale magazines to these off-corner boys? A. I give them magazines, yes.

Q. Do you receive from anybody a check for that? A. No, I do not.

Q. You testified you received the magazines from Joe Woods.

A. Yes. That is the Liberty and Post. I get my Look and Colliers from the American News Company, or the Los Angeles News Company.

Q. You get only the Saturday Evening Post and Liberty from Joe Woods?

A. The Saturday Evening Post and Liberty.

Q. And these other magazines from some other supply?

A. From the American News Company, yes.

Q. Now, the check that you get from the News, the deduction for Social Security tax and so on is based just on the amount of that check, isn't it?

A. On the amount of that check, yes. [445]

Recross Examination

Q. (By Mr. Binford) You also, I believe, testified that you sold a certain number of Examiners and Times each morning. A. I do.

Q. What profit do you make on the sale of an Examiner? A. 2 cents.

Q. And on the Times? A. 2 cents.

Q. About how many of those do you sell each day?

A. I would average about 10 between the two of them.

(Testimony of Arthur Steuart.)

Q. About 10 between the two of them?

A. That is an average. Some days it would be more and some days it would be less.

Q. Do you get full returns on the News?

A. I do.

Q. You can regulate your order in any way you want?

A. The district man regulates the orders, but he gives me full returns. He don't tell me how many papers I should have. He knows about how many I should sell on the corner from day to day because he takes care of that district, and when he comes up I turn in the papers of the edition I have and he gives me papers of the coming edition, the number he figures I should have.

Q. Then if he has oversupplied you to some extent, he accepts [446] the returns?

A. He accepts the returns, yes.

Q. Do you sell all of the editions of the News?

A. Well, I don't know how many editions—no, we get the fifth and sixth, we don't get the 7th, and we get the 8th, 9th and 10th.

Q. And you don't get the 4th, the early morning edition?

A. No. That is another paper that is left on the corner there too.

Q. But you don't handle that?

A. I handle that along with the others. They leave that on the rack and I check in with the News district man. I overlooked that.

Q. Well, it is the same paper?

(Testimony of Arthur Steuart.)

A. It is the same paper, but it is handled by two different district men.

Q. Do you know the name of the district man that handles that early morning edition?

A. Gale Napping, or something to that effect.

Q. There is no special boy that has the corner for the early morning edition? You handle that through the rack?

A. There is a boy there, but he leaves before I get there. He leaves the papers with the Examiner and Times man, and when I come on the Examiner and Times man checks in with me for what he has sold at 2 cents apiece.

Q. So the way you handle the early morning edition of the [447] News is the same way you handle the Examiner and the Times?

A. That is right.

Q. And the early morning edition of the News is handled by the same boy the same as the Examiner and Times are handled, by the same boy, is that correct? A. That is right.

Q. When the papers are delivered to you by the News during the day, commencing from the 5th edition on, are they all left at one corner or are they left at the four corners?

A. They are left on the corner that the district man comes to.

Q. They are left there in your charge?

A. Yes.

Q. And you distribute them to the other corners? A. That is right.

(Testimony of Arthur Steuart.)

Q. And you also charge up the boys with what you deliver to them?

A. That is right. I check in with them in the evening the same as I do with the Heralds.

Q. And you keep a record, a written record, I guess, each day of those papers?

A. I keep a paper and mark down how many papers they have so I will know how many they have.

Q. And how much to collect from them every evening? A. Yes. [448]

Q. And charge the returns against them, is that correct? A. That is right.

Q. Do you make an accounting to the district man for the News, being the district man that handles the 5th edition on? A. That is right.

Q. And you make that accounting every day?

A. I make that accounting once a week.

Q. You make that accounting once a week?

A. Once a week, yes.

Q. And that covers the papers handled, the News handled by you during that current week?

A. That is right.

Redirect Examination

Q. (By Mr. Mouritsen) From time to time during the day do these other newsboys whom you supply, have they run out of papers on occasion and come to you for additional copies?

A. They do.

Mr. Binford: There was one question, Mr.

(Testimony of Arthur Steuart.)

Steuart, and that is, do you get full returns on magazines?

The Witness: Yes.

Mr. Binford: Do you have any contact at all with the district man who handles the early editions of the News?

The Witness: Well, I don't directly. I see him once maybe a week. [449].

Mr. Binford: But you have no real business with him?

The Witness: No, I have no business with him whatsoever—yes, I do. I check in to him for the papers. I keep track of how many papers I sell every day and he stops in once every week or every two weeks.

Mr. Binford: And you make an accounting to him also?

The Witness: Yes.

Mr. Binford: For the papers you have left over in the morning?

The Witness: Yes; and for the papers I sell.

Mr. Binford: That is all.

Q. (By Mr. Mouritsen) And these boys to whom you supply papers, you supply papers at the same price at which you receive them?

A. That is right.

Mr. Binford: Is that true as to magazines also?

The Witness: That is true.

DAVID KADESH,

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined [450] and testified as follows:

Direct Examination

Trial Examiner Kennedy: Your full name, please?

The Witness: David Kadesh.

Q. (By Mr. Mouritsen) Where do you live, Mr. Kadesh?

A. Out in Huntington Park, 3000 East Florence.

Q. Do you at present handle the Los Angeles Evening Herald and Express? A. Yes, sir.

Q. And the News? A. Yes, sir.

Q. And where do you handle them?

A. At Manchester and Broadway.

Q. And do you receive a check from the Evening Herald and Express?

A. Yes, sir, I do.

Q. And from the News? A. Yes, sir.

Q. Who is your district manager for the Evening Herald and Express? A. Harry Plotkin.

Q. And who is your district manager for the News? A. Harry Maxwell.

Q. During what hours do you operate on the corner?

A. Why, I come there at 9:30 and stay until 8:00 o'clock. [451] I don't receive my papers until 10:00.

Q. Have you ever received any instructions

(Testimony of David Kadesh.)

from your Herald and Express district man regarding the hours you are to operate on the corner?

A. Well, sometimes when he wants us to work at the Coliseum, he tells us to be down there at eight or seven, when the American Legion is in town or the Shriners or any big doings.

Q. Did you ever have any conversation with your district manager for the Evening Herald and Express regarding the length of time that you are to remain on the corner?

A. Yes. There is several times——

Q. (By Mr. Mouritsen) Have you had more than one such conversation? And, during what period?

A. Well, several times I sold out of papers at 10 minutes to 8:00

Q. (By Mr. Mouritsen) When did the last such conversation you had occur? Can you fix the date approximately? [452]

A. No, I can't because it is sometime before Christmas.

Q. In what year? A. 1939.

Q. Now, where did this conversation occur?

A. It occurred at Broadway and Florence.

Q. And with whom did you have the conversation? A. With Harry Plotkin himself.

Q. Was there anyone else there at that time?

A. The other newsboy that sells Florence and Broadway.

Q. Who is he? A. Red Kahn.

(Testimony of David Kadesh.)

Q. Will you tell us what was said at that time by yourself and by Mr. Plotkin?

A. Well, I quit—I sold out of papers and I couldn't get any more at Figueroa and Manchester, and so I didn't have any. So I took the five minutes to 8 street car and rode down to Florence and Broadway, and about two minutes to 8:00 Harry Plotkin came by there and he says, "What are you doing over here so early?" So I explained to him that I sold out of papers and there was no use standing there on the corner until 8:00 o'clock if I didn't have any papers to sell, so he got angry and he started to give me the devil for it.

Mr. Compton: What did he say, Mr. Kadesh?

The Witness: Well, he said, "You know better than to quit before 8:00." [453]

Q. (By Mr. Mouritsen): Were you operating on this corner during November, 1937?

A. Yes, sir.

Q. After 1937 did you handle both the Evening Herald & Express and the News?

A. Yes, sir, I did.

Q. Prior to that time had you handled the News or the Evening Herald & Express alone? [454]

A. Yes, I did. I handled the Herald alone.

Q. (By Mr. Mouritsen): Did you have a conference with anyone connected with the Evening Herald & Express at or about that time regarding the handling of both papers?

(Testimony of David Kadesh.)

A. Yes, at the Herald office.

Q. And who was the man in charge of that particular office, or whose office was it?

A. Well, Mr. Jake Gratz.

Q. Now, was Mr. Gratz present? A. Yes.

Q. Who else was present?

A. I don't remember if Bill Abels might have been there; I don't remember for sure.

Q. Were there any other newsboys present?

[455]

A. Yes. They were practically all of them from the southwest of town.

Q. Now, did Mr. Gratz say anything at that time with respect to this handling of both papers?

A. Well, he tried to show us, and wanted to demonstrate to us how we should carry the News on the bottom and the Herald on the outside.

Q. And what did you do—did he ask you to do anything on that occasion?

A. Well, I showed him how I carry it, and they thought it was all right. I carry the News on the bottom and the Herald on the outside.

Q. When you demonstrated that manner in which you carried them did he say anything to the other newsboys at that time?

A. Well, I think he said that was something, that is the way that would be proper to handle them.

Q. (By Mr. Mouritsen): Now, in your operations on the corner do you supply papers to other newsboys? A. Yes, sir, I do.

(Testimony of David Kadesh.)

Q. And approximately how many such boys?

A. I have about five.

Q. And are any of those spots that you supply what are [456] known as traffic spots?

A. Yes, sir.

Q. Will you tell us what a traffic spot it?

A. Well, the boy stays in the middle of the street there on the white line, holds both papers, the Herald and the Evening News.

Q. Has Plotkin ever had any conversation with respect to these boys who sell on the traffic spots?

Q. (By Mr. Mouritsen): Just answer that yes or no. Has he had such a conversation?

A. Yes.

Q. Has there been more than one such conversation? A. Yes.

Q. Approximately how many?

A. Well, I couldn't say offhand. Couldn't say.

Q. During what period of time has that occurred? Have you had any such conversations during the last two or three [457] years?

A. Yes.

Q. (By Mr. Mouritsen): Do you recall, Mr. Kadesh, when you had the last such conversation with Mr. Plotkin?

A. Well, I can't recall at the moment, because it has been so long ago. It has been this year, though. I had several arguments with him this year, although I don't remember the exact time.

Q. Is that as definite as you can fix this last

(Testimony of David Kadesh.)

conversation that you had with him respecting these traffic spot boys?

A. Well, like last Saturday, I can recall when he drove by and he didn't see the Herald boy out selling papers, and he looked for the Examiner and Times boy, and he says to me, "Is the Herald boy handling the Examiner and Times?" And I said, "No. The other boy." And he looked down the street and saw the other boy, and he drove off.

[458]

Q. (By Mr. Mouritsen): Now, Mr. Kadesh, can you recall a specific conversation that you have had with Mr. Plotkin regarding these traffic spot boys?

Q. And can you give us the approximate date?

A. No, I am afraid I can't.

Q. Now, about how long ago did it occur?

A. Well, I couldn't tell you exactly because I don't remember. I didn't write it down or keep track of it at all. [459]

Q. Where did the conversation occur?

A. Well, it occurred at Manchester and Broadway lots of times.

Q. (By Mr. Mouritsen): On all of these occasions were you and Mr. Plotkin present?

A. Yes.

Trial Examiner Kennedy: Well, you have got to have some- [460] thing more definite about time. We do not expect you to remember every day, or every day of the month, or anything of that kind, but do you know what month this particular conver-

(Testimony of David Kadesh.)

sation took place? That is, the one you want to testify about.

The Witness: Well, I have had so many runs in with them that I don't remember all——

Trial Examiner Kennedy (Interrupting): When did the runs in first start?

The Witness: Well, it started, oh, lots of times the——

Trial Examiner Kennedy: I say, when was the first one?

The Witness: Oh, well, I don't remember. I have worked for him so long that——

Trial Examiner Kennedy (Interrupting): How long have you worked for him?

The Witness: Oh, about 10 or 11 years.

Trial Examiner Kennedy: And did they start the minute you started to work for him 10 or 11 years ago?

The Witness: No.

Trial Examiner Kennedy (Interrupting): All right. I asked you just a very simple question. You answered "no." Now, did they start within a year after you first worked for him?

The Witness: Well, no, not exactly.

Trial Examiner Kennedy: Not exactly. You got along with him for the first year; is that it?

[461]

The Witness: Yes.

Trial Examiner Kennedy: How about the second year?

The Witness: Yes.

(Testimony of David Kadesh.)

Trial Examiner Kennedy: You did. It started that second year?

The Witness: Yes.

Trial Examiner Kennedy: You have been there 10 or 11 years?

The Witness: Yes.

Trial Examiner Kennedy: That would go back about 1929 or 1930?

The Witness: Yes.

Trial Examiner Kennedy: I think, counsel, you are going to have to tie this down a little more definitely than that. Certainly if you cannot bracket it within a six months' period I do not see how we are going to take any cross examination or rebuttal testimony on incident.

Q. (By Mr. Mouritsen): Mr. Kadesh, how long have you had boys on these traffic spots to whom you supply papers?

A. Well, I have always had them ever since I got it. At different times I have different boys.

[462]

Q. Well, during the year 1939, Mr. Kadesh, do you recall any conversations you had with Mr. Plotkin regarding the operations of these traffic spot boys?

The Witness: Yes.

Q. (By Mr. Mouritsen): Now can you fix any such conversations with Mr. Plotkin more definitely within the year 1939?

A. Well, it seemed to be mostly the last half

(Testimony of David Kadesh.)

Q. And where did you have such a conversation?

A. Well, it is always at the corner of Broadway and Manchester.

Q. At the time when you had such a conversation was anyone present other than yourself and Mr. Plotkin? [463]

A. Well, there was a few customers there, and I don't remember who they were.

Q. Well, they didn't take part in the conversation? A. No, they didn't.

Q. Would they just come up and get a paper while you were talking to Plotkin; is that it?

A. Yes.

Q. Now, will you tell us what Mr. Plotkin told you and what you said to Mr. Plotkin during this conversation in the latter part of 1939? [464]

The Witness: Well, he used the—cussed me out a couple of times.

Trial Examiner Kennedy: How did he cuss you out? What did he say? [465]

The Witness: Well, he—"Darn you" or "Damn you" or other words that he could have used.

Trial Examiner Kennedy: All right, go on; what else did he say?

The Witness: And a lot of other things that I don't remember.

Trial Examiner Kennedy: You remember that he said, "Darn you" or "Damn you"?

The Witness: Yes.

(Testimony of David Kadesh.)

Trial Examiner Kennedy: But you don't remember what else he said?

The Witness: Yes, sir. And he told me the next time it happened that I got a couple of days lay-off.

Trial Examiner Kennedy: What did you say?

The Witness: Well, what could I say?

Trial Examiner Kennedy: Well, I don't know.

The Witness: He was the boss and he could do whatever he wanted to.

Trial Examiner Kennedy: Did you say anything?

The Witness: No, I didn't, because there was no use arguing with anybody that—didn't argue with anybody that was angry. I waited until he cooled off.

Trial Examiner Kennedy: Then what?

The Witness: And then I would talk it out with him.

Trial Examiner Kennedy: Did you talk it out with him. [466]

The Witness: Yes.

Trial Examiner Kennedy: When he cooled off?

The Witness: Yes.

Trial Examiner Kennedy: Did he cool off at that same time?

The Witness: No, he didn't. It would take maybe four or five hours.

Trial Examiner Kennedy: Was he standing there all the time, or did he come back?

The Witness: Well, he kept coming back.

(Testimony of David Kadesh.)

Trial Examiner Kennedy: What do you mean by "he kept coming back"? More than once, or what?

The Witness: Well, he would bring me the papers out at one o'clock, and he would bring me papers at 3:30, and then he brought me some more papers at 4:00 o'clock.

Trial Examiner Kennedy: On each of these occasions he came back did he say anything to you?

The Witness: No; just that argument we had, and he——

Trial Examiner Kennedy: Wait a minute. You say, "No," and then "just that argument we had."

The Witness: Well, that argument we first had, and then he wouldn't say no more until I would give him the money for the papers that evening.

Trial Examiner Kennedy: Then did he say something?

The Witness: Well, when I asked him what he was mad [467] about and what was the argument and what he had against me.

Trial Examiner Kennedy: What did he say to that?

The Witness: Well, if I was right he agreed, and if I was wrong I agreed.

Trial Examiner Kennedy: Those are the words he used?

The Witness: Yes. Those are the——

Trial Examiner Kennedy: All right, go ahead with the examination. [468]

(Testimony of David Kadesh.)

After Recess

(Whereupon, the hearing was resumed, pursuant to recess, at 1:30 o'clock p. m.)

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Kadesh, are you a member of the Newsboys Union?

A. Yes, I am.

Recross Examination

Q. (By Mr. Compton) Mr. Kadesh, when did you state that you started to sell newspapers?

A. When did I start?

Q. Yes.

A. About 10 or 11 years ago for Harry Plotkin.

Q. That would put it at 1929 or 1930?

A. Yes, sir.

Q. Isn't it a fact that you didn't start to sell newspapers [472] until approximately June, 1932?

A. Well, I did sell at other corners before I went to Manchester and Broadway.

Q. Did you testify that all the time you were selling papers Mr. Plotkin was the branch manager in charge?

The Witness: No. I have not been working for Harry Plotkin all of the time.

Q. (By Mr. Compton) Do you know when you started to sell newspapers in the district of Harry Plotkin?

A. Well, there was another man working before

(Testimony of David Kadesh.)

Harry Plotkin started there and his name was Mr. Wilder.

Q. Do you remember about what time that was that Mr. Plotkin started?

A. No, I don't.

Q. You are known as a wholesaler, aren't you?

A. Yes, I have boys working for me on the corner.

Q. And do you receive a check from the Evening Herald for your services as a wholesaler?

A. Yes.

Q. What is the amount of that check?

A. $9.00 and 18 cents for security, Social Security.

Q. And that 18 cents is based upon the amount of the check you receive? [473]

The Witness: Well, yes, for Social Security, 18 cents off of that.

Q. (By Mr. Compton) Do you also receive a check from the News? A. Yes.

Q. What is the amount of that check?

A. $3.42 and there is eight cents also for Social Security on that.

Q. And the Social Security is based on the amount of the check you receive?

A. No, I get $3.42.

Q. You get $3.42?

A. Yes, and there is eight——

Q. (Interrupting) How much tax?

A. Eight cents.

Q. Eight cents Social Security tax?

(Testimony of David Kadesh.)

A. Yes.

Q. Do you sell the Saturday Evening Post?

A. Yes, I sell the Saturday Evening Post and Liberty.

Q. Do you sell Look? A. No.

Q. Do you sell Colliers? [474]

A. No, no other magazines.

Q. Do you sell any other newspapers, like the People's World?

A. Well, he has a rack there and he puts it there, and there is a place for the money for it, and there is men come along there and drop the money in, but I don't sell them.

Q. You don't sell them? A. No.

Q. Mr. Kadesh, you testified, I believe, that you sold newspapers at the Coliseum at special events there? A. Yes.

Q. Do you recall how many times, approximately, during the time that you have been selling newspapers, that you have sold newspapers at the Coliseum?

A. Well, last year I think it was about twice when the—when the American Legion and the Shrines was over, and it usually took place in the morning before I would have to go to work on the corner.

Q. And what time in the morning?

A. Well, there was one time I had to be there at 7:00.

Q. You say you had to be there; wasn't it a privilege that was extended to you to make some extra money? A. No, it was not.

(Testimony of David Kadesh.)

Q. Do you want us to believe that the District Manager ordered you to report there at that time? [475]

A. Yes, sir, I do.

Q. What compensation did you get for that appearance? A. I didn't get any.

Q. You mean you sold papers, and did not receive the purchase price for them?

A. Well, I would stay there for about three hours, and sell maybe two papers, or three, and it cost me 7 cents car fare to go there, and then it cost me 7 cents carfare to go back to my regular corner to sell, and all I made was 4 or 6 cents.

Q. Did that happen on each occasion you went to the Coliseum?

A. Approximately, yes, on each occasion.

Q. You made not more than 4 to 6 cents?

A. 4 to 6 cents, yes.

Recross Examination

Q. (By Mr. Binford) Mr. Kadesh, do you also sell at all the Times or the Examiner?

A. Yes. On Saturday night.

Q. The Times and Examiner on Saturday night?

A. Yes.

Q. What time do you start selling them?

A. I start after 8:00 o'clock.

Q. Both papers? A. Yes, sir.

Q. How long do you continue that? [476].

A. Well, I have to go eat at eight o'clock, and I come back at 8:30, and I stay there until 2:00.

(Testimony of David Kadesh.)

Q. Until about 2:00? A. Yes.

Q. You stated that Mr. Harry Maxwell was the district man for the News? A. Yes, sir.

Q. And you receive the edition of the News that you sell from Mr. Maxwell? A. Yes, I do.

Q. Does he leave them on one corner for you, or on all four corners?

A. He leaves them on one corner and then I call the boys in to get them, and then there is Times racks that I put them in—papers in the racks.

Q. Then you charge the boys up with those papers, and collect from them for it?

A. Yes, I do.

Q. How often do you make accounting with the boys?

A. Well, I make account with them every night. They pay for them every night, and I pay for them every night.

Q. And you pay to Mr. Maxwell, or his representative? A. Yes, Mr. Maxwell himself.

Q. Do you sell the 4th, early morning edition of the News? A. No, I do not. No. [477]

Q. Do you know whether that edition is sold on that corner or not? I mean by that corner, the corner that you work on.

A. Yes. There is a man sells there.

Q. The News is sold there in the morning?

A. Yes.

Q. Did I understand you to say that you put the Daily News, copies of the Daily News, in the Times rack? A. Yes, sir.

(Testimony of David Kadesh.)

Q. You mean that is just as a place for them to be in safe keeping until the boys pick them up?

A. No; that is a place where there is a bus stop, and the people sometimes wait for the buses, and they buy one out of those racks.

Q. We are getting the benefit—the News is—of the Times Rack occasionally? A. Yes, sir.

Q. These papers that you place on the various racks, are they eventually picked up by your boys?

A. They come to work—I have one boy that comes at 12:00 and I have other boys that come at 3:30, and others at a quarter after 3:00, right after school.

Q. Do those boys pick up the papers that you have left on the corner for you, or do they come and get theirs?

A. They come to me to get them and I give them to them.

Q. You check them off? [478] A. Yes.

Q. How many boys do you have that you so handle? A. I have five of them.

Q. That is, one for the three corners, the three off-corners? A. Yes.

Q. And what territory do the other two boys cover?

A. Well, there is one boy that has a route and then there is a boy that sells in the middle of the block, there is a Kress store and a Sontag store, and there is a market there, and he walks up and down that block and sells papers to people that come shopping there.

(Testimony of David Kadesh.)

Q. You don't make any profit on the papers those boys sell? A. No.

Q. You don't pay them any fixed salary or compensation of any kind? A. No, I don't.

Q. But you are paid by the Stockholders Publishing Company, that is the News, you are paid by the News the sum of $3.42 each week; is that correct?

A. Yes.

Q. And the 8 cents is Social Security tax on $3.50? A. Yes, sir. [479]

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Kadesh, on that corner has the district manager for the Evening Herald and Express furnished you with a box?

A. Yes, they have.

Q. And from time to time in the past couple of years has he furnished you advertising placards of the Herald and Express? A. Yes, he has.

Q. And are those cards that he furnishes you similar to Board's Exhibit 7? A. Yes.

Q. Has he given you any instructions with reference to the use of those cards?

A. Yes. He told me to put them in whenever I get them.

Q. Put them in what?

A. You know, in the place in the box. There is holes for those cards.

Q. And on that corner are there any News racks?

A. Not on that particular corner there isn't, but down in the middle of the block there is.

(Testimony of David Kadesh.)

Q. Has your News district manager given you any instructions with reference to the use of that rack, the News rack down in the middle of the block?

A. Yes, he has. [480]

Q. And which district manager on the News?

A. Harry Maxwell on the Evening News.

Mr. Mouritsen: By the way, Mr. Binford, since there is quite, or has been quite a number of reference to the Daily News and the Evening News and the News itself, can I ask you to make a statement for the record with reference to the use of those names? As I understand it, sometime ago it was changed from the Evening News or the Daily News to the fact that it is the News now in all editions, both morning and evening, and it is a 24-hour newspaper.

Mr. Binford: The paper, the News, is now known as the News and it is called a 24-hour newspaper, the first edition coming out early in the morning—I don't know the exact hour—and continuing through to, I believe it is the ninth or tenth edition, which is known as the Ten Star Edition. There is no distinction in the paper from morning through to the last edition except with respect to news or possibly other added features from other editions. There is only one paper that is known as the News. Sometime prior to the present there was a paper published known as the Evening News and the Morning or Daily News.

Mr. Mouritsen: And that paper was published by the Stockholders Publishing Company?

Mr. Binford: By the same Stockholder Publishing Company. [481]

(Testimony of David Kadesh.)

Q. (By Mr. Mouritsen) And from time to time have the district managers of the Herald and Express furnished you a change apron?

A. Well, yes, they have.

Q. And can you just describe briefly what a change apron is such as furnished you by the Evening Herald and Express?

A. Well, it has three pockets. It has "Herald and Express" on it and it has three pockets to keep change in, like one for pennies and nickels and dimes and quarters, silver.

Q. And you say it has "Herald and Express" on it? A. Yes.

Q. And from time to time has the News district manager furnished you a change apron?

A. No, he hasn't.

Recross Examination

Q. (By Mr. Compton) Mr. Kadesh, this box that you testified concerning is an ordinary wooden box?

A. Yes—no, it is a box and it is painted green and it has "Herald and Express" on it, "Five cents."

Q. It is a wooden box?

A. Yes, a wooden box.

Q. And it is for the purpose of placing your papers on? A. Yes.

Q. And that was given to you without charge or cost of any kind? [482] A. Yes.

(Testimony of David Kadesh.)

Q. And these placards concerning which you testified *on* charge or cost is made for them, is there?

A. No.

Q. Do you believe that those placards assist in selling the Evening Herald and News?

A. Well, it doesn't—the cards itself, I don't think it does because it has advertisement on it.

Q. Don't you think it assists in selling certain editions of the paper, like the Sports edition for football news and things of that sort?

A. Well, it doesn't advertise the paper all the time.

Q. I say, when it does——

A. (Interrupting) Yes, when it does.

Q. Do you think it assists you? A. Yes.

Q. And, consequently, you sell more papers?

A. Yes.

Q. And you make more money?

A. Yes, that is right.

Q. Now, this change apron, those are furnished you whenever you want them, aren't they?

A. No, not whenever we want them.

Q. Well, if you ask for one would you get one?

A. Well, sometimes we do and sometimes we don't. [483]

Q. And they are purely a convenience for you, aren't they?

A. Well, I don't necessarily use one, but the boys that work for me use them.

Q. You don't use a change apron? A. No.

(Testimony of David Kadesh.)

Q. And the change aprons cost you or the boys who use them nothing? A. Nothing.

Recross Examination

Q. (By Mr. Binford) Mr. Kadesh, with respect to racks, I believe you testified there was none on the corner but there was one in the middle of the block; is that correct? A. Yes.

Q. What is that rack?

A. It is a News rack.

Q. To put newspapers in? A. Yes.

Q. For display purposes? A. Yes.

Q. Does it cost you anything? A. No.

Q. When you saw it and it was delivered to you did you know what it was for?

A. Yes, I did. [484]

Q. You didn't need any instructions what it was for, did you?

A. Well, I have sold papers too long not to know.

Q. Well, even if you hadn't sold papers too long not to know you would know what a news rack was for, wouldn't you? A. Yes.

Q. And you did not have to have any instructions to know how to use it, did you? A. No.

Q. Nobody had to come and fold a paper and put it in for you, or show you how to use it, did they?

A. No, they did not.

Redirect Examination

Q. (By Mr. Mouritsen) Is the box furnished by the Evening Herald and Express your box? Could you take it with you when you left?

(Testimony of David Kadesh.)

A. No, I leave it there on the corner all the time.

Q. How about the rack furnished by the News? Could you take that rack with you if you left?

A. No, I could not; it did not belong to me.

Mr. Cosgrove: Will it be stipulated, Mr. Mouritsen, that the testimony of this witness, David Kadesh, is not intended [485] to apply to the Los Angeles Times case?

Mr. Mouritsen: That is correct.

Mr. Cosgrove: Thank you.

Mr. Hall: Or the Los Angeles Examiner case?

Mr. Mouritsen: That is right.

Mr. Binford: We desire to make the same motion at this time made heretofore with respect to the testimony of Mr. Arthur Steuart, in this respect: That in so far as any testimony offered by the witness going to the alleged instructions, or with respect to conversations had with, instructions given by Mr. Harry Plotkin, or conversations had with Harry Plotkin, who was the district manager for the Herald and Express, that said testimony be stricken as to the Stockholders Publishing Company, and we tended the same stipulation with respect to the reinstatement thereof as was tendered by us in connection with the testimony of Mr. Arthur Steuart.

Trial Examiner Kennedy: What do you have to say about that, Mr. Mouritsen?

Mr. Mouritsen: I would be willing to stipulate

(Testimony of David Kadesh.)

upon the same conditions as with reference to Mr. Arthur Steuart's testimony.

Trial Examiner Kennedy: The motion to strike is granted. The stipulation is accepted, let the record show.

Mr. Hamblin: If the Court please, we would like to [486] move on behalf of the Los Angeles Evening Herald and Express Department that any conversations between this last witness and the District Manager, or any other employee of the News, be stricken in so far as it may be deemed binding upon our company, subject to a motion to reinstate as made by Mr. Binford.

Mr. Mouritsen: That will be acceptable to the Board.

Trial Examiner Kennedy: Will that be agreeable?

Mr. Mouritsen: Yes.

Trial Examiner Kennedy: The motion to strike is granted, with that understanding.

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GENE LeROY ALLEY

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, resumed the stand and further testified as follows:

Direct Examination

Q. (By Mr. Mouritsen) Mr. Alley, have you ever sold the Evening Herald and Express?

A. Yes.

(Testimony of Gene LeRoy Alley.)

Q. Commencing at what time? When did you start to sell papers for the Evening Herald and Express? A. Well, it was sometime in 1937?

Q. Have you ever sold on the corner of 11th and Alvarado? A. I have.

Q. And at what time did you start to sell on that corner?

A. The middle of November, 1938. [487]

Q. And from whom did you obtain the corner? Who put you on it?

A. From the district man, Jimmy Blake.

Q. District man for what paper?

A. For the Los Angeles Evening Herald and Express.

Q. After Mr. Blake put you on the corner did you ever have any conversation with him relative to your selling out in the traffic lane? A. Yes.

Q. About when did you have that conversation?

A. Well, about a week after I started selling papers.

Q. And where did the conversation take place—strike that. Do you mean a week after you started selling on the corner of 11th and Alvarado?

A. That is right.

Q. Where did the conversation take place?

A. On the same corner.

Q. And who were present?

A. Just Jimmy Blake and I.

Q. Will you state what Mr. Blake said to you and what you said to Mr. Blake?

(Testimony of Gene LeRoy Alley.)

A. Well, about three o'clock in the afternoon Jimmy Blake came up to the corner, and I had several Heralds of the earlier editions, and Jimmy Blake then said, "You can sell more papers if you stand out in the traffic zone and catch these automobiles." Therefore I did. [488]

Q. After you started to sell at that spot, did you ever have any conversation with Blake regarding the —strike that. After you started selling on that corner, did you also handle the News?

A. The Evening News, yes.

Q. After you started selling there, did you ever have a conversation with Blake regarding your handling the News? A. Yes.

Q. And about when did that conversation take place?

A. About two weeks after I started selling on that corner.

Q. Where did the conversation take place?

A. On the corner.

Q. Who were present?

A. Just Jimmy Blake and I.

Q. Will you state what Mr. Blake said to you and what you said to Mr. Blake?

A. Well, Mr. Blake said to me not to handle the Evening News, to leave them on the ground, and to bury them.

Q. Was there anything further said at that time?

A. No.

Q. After that time did you put the Evening News on the ground? A. Yes, sir.

(Testimony of Gene LeRoy Alley.)

Q. What did you understand by his use of the term "burying" the News? [489]

A. Well, if you fold the News—I understood if you—I understand if you fold the News, it is smaller than the Herald, and if you put a Herald over it therefore it cannot be seen.

Q. Now, after you had done that, did you have a conversation with the News District man regarding the handling of the News? A. Yes.

Q. And about when did that conversation take place?

A. That took place either the same day that I laid the News down, or the preceding day.

Q. Do you mean by that the day before or the day following? A. The following day.

Q. Where did that conversation take place?

A. On the same corner.

Q. Who was the district man for the News?

A. I believe it was Andy—I believe his full name is Andy Barrigan.

Q. Who were present at this conversation?

A. Andy Barrigan and myself.

Q. What did you say to Andy and what did Andy say to you?

A. I said to Andy, "Blake threatened to fire me if I didn't sell the—if I—if I handled the Evening News." And Andy said for me to go ahead and handle them, and that he would take it up with Mr. Smith.

Q. Is that about all the conversation that you had at that [490] time?

(Testimony of Gene LeRoy Alley.)

A. He told me to go ahead and handle them.

Q. Was that about all the conversation?

A. Yes.

Q. Did you have a later conversation with Mr. Barrigan? A. Yes.

Q. About when did that conversation occur?

A. That conversation occurred in the morning a day later.

Q. Where did this conversation take place?

A. That was across the street on the same corner.

Q. Who were present at this time?

A. There was Andy Barrigan driving a car, and the fellow he introduced to me as Mr. Smith, and another fellow who was not introduced.

Q. Did this Mr. Smith with Andy Barrigan—did he come to the corner with him?

A. In the car, yes.

Q. State at this time what was said and what was done.

A. Well, Andy Barrigan asked me to explain what was the set-up, so I explained to Mr. Smith that I had been instructed not to handle the Evening News as it was then. Mr. Smith said at that time for me to handle the Evening News, and that they would contact the Herald and get the matter straightened up, and that if I was fired for handling the News, that he would see to it that I would get another job. [491]

Q. And was there any further conversation at that time? A. No.

(Testimony of Gene LeRoy Alley.)

Q. After that time did you handle both of the papers? A. I did.

Q. Now, were you removed from that corner by Mr. Blake? A. I was.

Q. And when did that occur?

A. That was the first or second week in December, the same year.

Q. That was 1938? A. That is right.

Q. And prior to the time when you were removed from the corner by Mr. Blake did you have a conversation with him regarding your removal?

A. I did.

Q. During the time while you were on 11th and Alvarado did you receive a check from the Evening Herald and Express? A. No, sir.

Q. Did you receive a check from the News?

A. No, sir.

Q. Did you receive papers to be distributed to other boys on the corner? A. Yes, sir.

Q. Will you tell us what you did with respect to these other boys? [492]

A. Well, the other boys came down sometime around 3:00 o'clock in the afternoon. There was one boy who covered the corner of Olympic and one boy who covered Pico and one boy who sold catercornered to my corner; three of them in all. They came to work at approximately 3:00 in the afternoon and took papers from all the editions from me, and checked in to me.

Q. Was that true of both the copies of the Evening Herald and Express and the News?

(Testimony of Gene LeRoy Alley.)

A. Except in the one newsboy—that is wrong. They all were, yes.

Q. And did you in turn check into the district manager? A. Yes, I did.

Q. And did you from time to time while you were selling receive advertising placards of the Evening Herald and Express? A. I did.

Q. And from the News? A. Yes.

Cross Examination

Q. (By Mr. Compton) Mr. Alley, you sold the newspapers, you say, at the corner of 11th and Alvarado Streets? A. That is right.

Q. Did you sell magazines there also? [493]

A. Yes, sir.

Q. Did you sell the Saturday Evening Post?

A. Yes, sir.

Q. Liberty? A. Yes, sir.

Q. Look? A. Yes, sir.

Q. Life? A. No.

Q. Click, or any of the picture magazines?

A. No, sir.

Q. Collier's? A. Yes.

Q. Did I understand you to say that all of the editions of the Evening Herald and Express were delivered to you at the corner of 11th and Alvarado?

A. No, sir.

Q. Were some of the editions delivered elsewhere? A. Yes, sir.

Q. Where were they delivered?

(Testimony of Gene LeRoy Alley.)

A. One delivery was made on the corner of—one edition delivery was made on the corner of Pico.

Q. Pico and what? A. Pico and Alvarado.

Q. Wasn't there an edition delivered also at the corner of 12th and Alvarado? [494]

A. No. That is probably the street I am thinking of, 12th rather than Pico.

Q. 12th and Alvarado? A. Yes.

Q. Was there a newsboy on that corner?

A. Yes, sir.

Q. Did that newsboy bring your copies of that edition from 12th and Alvarado to your corner at 11th and Alvarado, or did you go up there and get them? A. The boy brought them.

Q. Now, wasn't that a customary courtesy extended from one news dealer to another? [495]

The Witness: No.

Q. (By Mr. Compton) As a matter of fact, this Night Final edition, copies that you ordered were brought to you on that corner, on the corner of 11th and Alvarado, by the boy who normally sold papers at the corner of 12th and Alvarado?

A. Yes, sir.

Q. Did you ever take any papers delivered to your corner to the boy up there?

A. No, sir.

Q. Did he come to your corner to get his papers?

A. Yes, sir.

Q. And if the boy did not happen to be on the corner of 12th and Alvarado would you go get your own papers? A. Yes, sir.

(Testimony of Gene LeRoy Alley.)

Q. Mr. Alley, you testified, I believe, that James Blake removed you from that corner?

A. That is right.

Q. Mr. Alley, didn't you make that removal—didn't you cause a complaint to be filed with the National Labor Relations Board on the ground that you were removed from that [496] corner for union activity? A. Yes, sir.

Q. And wasn't that complaint thereafter dismissed by consent of the union and by your consent?

The Witness: No, it wasn't dismissed.

Q. (By Mr. Compton) What happened to it?

A. A settlement was made outside of court.

Q. What was the settlement?

A. The settlement was to be that I was to receive a corner outside of Mr. Norton's district which sold approximately 150 copies of the Evening Herald and Express daily.

Q. Did you ever receive such a corner?

A. No, sir.

Q. You never have received such a corner?

A. No, sir.

Q. You don't know for a fact, though, that the action was dismissed? [497] A. No, sir.

Cross Examination

Q. (By Mr. Binford) Mr. Alley, did you sell all editions of the News? A. No, sir.

Q. What was the first edition that you sold?

A. At that time I believe the first edition was called the Two Star, that I sold.

(Testimony of Gene LeRoy Alley.)

Q. That was then known as the Evening News, wasn't it? A. Yes.

Q. Now, when did you first start selling both the Evening News, as it was then called, and the Herald and Express? A. Sometime in 1937.

Q. Had you, from the time in November, 1937, that you started selling both papers, been continuing to sell both papers up until the time that this controversy arose? [498] A. No, sir.

Q. Well, what had you been doing in the meantime?

A. Well, when I started in 1937 on the Herald and Express and Evening News, I worked approximately three months and was then dismissed, and I worked on the different night papers. Then later received a second corner on the Herald and News.

Q. Where was that corner?

A. That was on the corner of Third and Broadway.

Q. And did you sell both papers there?

A. Yes, sir.

Q. Right along? How long did you stay at that corner?

A. I stayed there about five months—six months.

Q. Were you selling both papers all the time?

A. Yes, sir.

Q. And then what happened?

A. And then I was discharged again.

Q. What was that; second or third discharge?

(Testimony of Gene LeRoy Alley.)

A. That was the second. And then the third came November——

Q. (Interrupting) Let us finish with the second.

A. The second.

Q. And you quit selling again and then what did you do?

A. Then I went to the Herald and got this third job?

Q. Which was where?

A. Which was on the corner of 11th and Alvarado.

Q. And at the other two corners where you sold papers, you [499] sold both of the papers all of the time? A. Yes, sir.

Q. And it was when you commenced on this third, joint selling both of the papers that a controversy arose with respect to your selling the Daily News at all, which was then the Evening News, is that right?

The Witness: Yes, sir.

Q. (By Mr. Binford) Who was the district man for the News, or the Evening News, as it was then called, at the time you were located at 11th and Alvarado?

A. A fellow by the name of Andy Barrigan.

Q. Do you know whether the Mr. Smith that you referred to was Robert L. Smith, the general manager? A. I do not know.

Q. You do not know as to who that was?

A. No, sir.

(Testimony of Gene LeRoy Alley.)

Q. About how many copies of the Evening News did you sell in those days per day?

A. Approximately 87.

Q. Approximately 87, A. Make it 90.

Q. Did you have any contacts or anything to do with the [500] district man who sold the morning or Daily News? A. No, sir.

Q. Did you also use to sell, at the time you worked at Alvarado, copies of the Times?

A. No, sir.

Q. None at all? A. No, sir.

Q. You did not handle the Times or the Examiner? A. No, sir.

Q. Not even any so-called left-overs?

A. Not at all, no, sir.

Q. What is your occupation now, Mr. Alley?

A. I am secretary of the Newsboys Union.

Q. Have you any other occupation?

A. No, sir.

Q. That is a full-time job?

A. It is the only job I have.

Q. Are you selling papers for any papers?

A. No, sir.

Q. How long since you have been selling papers?

A. Six, or—six months.

Q. Now, do I understand you said you did not understand this charge filed with the National Labor Relations Board, you did not understand that has been dismissed?

A. Not dismissed, no. [501]

(Testimony of Gene LeRoy Alley.)

Q. What was your conception of what happened to it?

A. My conception was that it had been—that it had been filed until such times as I received a job and the Herald lived up to the promise they had made, and at that time there would be a dismissal of the case.

Q. You mean by "filed," you mean held in abeyance, as it were, until——

A. (Interrupting) Yes.

Q. You did not understand it was dismissed?

A. No, sir.

Q. How long ago was it that you claim to have had such an understanding or agreement?

A. Approximately March, 1939.

Q. A little over a year ago? A. Yes, sir.

Q. Have you taken any steps to procure reinstatement of the charge? A. Yes, sir.

Q. Has the charge been reinstated?

A. No— I am confused on the word—you mean the case, opening the case again?

Q. Yes. A. No, sir.

Q. Have you taken steps to have it reinstated?

A. No, sir. [502]

Q. You have not taken any steps in connection with that? A. No, sir. [503]

Mr. Cosgrove: Will it be stipulated, Mr. Mouritsen, that the testimony given by the witness Gene Alley this afternoon only, since he has been recalled

(Testimony of Gene LeRoy Alley.)

to the stand, is not intended to apply to the Times case?

Mr. Mouritsen: That will be so stipulated.

Mr. Hall: Will the same stipulation be made with reference to the Los Angeles Examiner?

Mr. Mouritsen: That will be so stipulated.

Mr. Binford: May it be deemed that I have made the same motion on behalf of the Stockholders Publishing Company respecting the testimony of Mr. Alley regarding his conversations with Jimmy Blake, the district manager of the Herald and Express, or conversations with the witness Jimmy Blake, as was made by me with respect to the testimony of David Kadesh, and with respect to the testimony of Arthur Steuart, all subject to our tendering the same stipulation?

Mr. Mouritsen: That is acceptable, Mr. Examiner.

Mr. Hamblin: Mr. Examiner, I would like to move also on behalf of the Los Angeles Evening Herald and Express Department to strike all testimony concerning conversations between the witness and Andy Barrigan, District Manager of [504] the Los Angeles News, and Mr. Smith, subject to the same motion.

Mr. Binford: May we request that you change that from Los Angeles News to just News?

Mr. Hamblin: Yes.

Trial Examiner Kennedy: Same ruling.

PHILIP SPAMPINATO

called as a witness by and on behalf of the National Labor Relations Board having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Mouritsen) Do you sell the Los Angeles Evening Herald and Express?

A. Yes, sir.

Q. And the News? A. Yes, sir.

Q. And where do you sell them?

A. Seventh and Alvarado.

Q. How long have you sold there?

A. About six years. [505]

Q. (By Mr. Mouritsen) Where do you live, Philip?

A. I live at the Westlake Hotel. That is on Westlake. I believe the address is 720 Westlake.

Q. And who is your present district manager for the Evening Herald and Express?

A. Norton.

Q. Now, were you selling the Evening Herald and Express in the year 1937 when the newsboys started to handle both papers?

A. Yes, sir.

Q. And did you start to handle both papers at the time when the consolidation took place?

A. Yes, sir.

Q. Did you ever have a conversation with any district manager of the Evening Herald and Express with reference to the hours that you were to be on the corner? [506] A. Yes.

(Testimony of Philip Spampinato.)

Q. (By Mr. Mouritsen) Now, about when did this conversation take place?

A. When the papers went to a nickel Mr. Norton told me I should stay a little later at night——

Q. (Interrupting) Where did the conversation take place?

A. On the corner of Seventh and Alvarado.

Q. And who were present?

A. I think at that time Mr. Mitchell was working for Mr. Norton, and Mr. Norton and myself.

Q. Were they both present, Mr. Mitchell and Mr. Norton?

A. I believe they were both present.

Q. And yourself? A. And myself.

Q. Now, will you state what Mr. Mitchell or Mr. Norton and yourself said at that time?

A. Well, they said it would be advisable for me to stay later, until about 8:00 o'clock, to catch late sales.

Q. And prior to that time how late had you been staying on the corner? A. 7:30.

Q. And after that time did you remain until 8:00 o'clock?

A. I remained until 8:00 o'clock.

Q. At or about the time when you started to handle both the News and the Evening Herald and Express together did you [507] have any conversation with the district managers regarding the manner in which they were to be displayed?

(Testimony of Philip Spampinato.)

A. Yes, sir.

Q. (By Mr. Mouritsen) Well, I will restric it to the district manager of the Evening Herald and Express. Did you have a conversation respecting the manner in which they were to be displayed?

A. Yes, there was a dispute——

Q. (Interrupting) Now, can we fix about the time when you had this conversation?

A. It was about the time both papers—we were selling both papers.

Q. When you started to handle the News in addition to the Herald?

A. About a week or so before.

Q. Where did the conversation take place? [508]

A. On the corner of Seventh and Alvarado.

Q. And who were present at that time?

A. At that time was Andy, the News district manager, and Mr. Norton and some other man from the—I think it is circulation boss, I think, from the Evening News was down there and they were discussing how I should hold the News and the Herald in my hands and which paper I should display and how I should display them, and they came to some arrangement——

Q. (Interrupting) Were you present while they discussed that?

A. I was present, yes.

Q. Tell us further what was said.

A. Well, they told me how I should hold th

(Testimony of Philip Spampinato.)

paper and the arrangement was that I should hold the News on the outside, folded, where the Herald could be seen and hold the Herald in my other hand, and I was told to tell these other boys to do that.

Q. Who told you to do that?

A. Well, Mr. Norton was there and Andy and this other man and they all made an agreement and they told me the way I should hold it.

Q. And was this Andy the district manager for the——

A. (Interrupting) The Evening News at that time.

Q. Is that Andy Barragan? [509]

A. I believe it is Andy Barragan.

Q. And after that time did you so hold both papers as they had instructed you?

A. Yes, I did.

Q. And did you instruct the other boys on the corner to do that also? A. Yes.

Q. At the present time, Philip, are you permitted to make returns of all unsold copies of the Evening Herald and Express that you receive?

A. I am not permitted to make all return copies, no, sir.

Q. Do you receive a check from the Evening Herald and Express? A. Yes, sir.

Q. Do you receive a check from the News?

A. Yes, sir.

Q. Do you supply a number of other boys on

(Testimony of Philip Spampinato.)

your corner, or on the corners around your corner, with the copies of the Evening Herald and Express? A. Yes, sir.

Q. And do you do that at the same price at which you receive the Evening Herald and Express? A. Yes, sir.

Q. Do you also distribute papers or copies of the News to the other newsboys? [510]

A. Yes, sir.

Q. And you do that at the same price at which you receive them? A. Yes.

Q. Are you a member of the Newsboys Union?

A. Yes, sir.

Q. Have you ever held an office in that union?

A. Yes, sir.

Q. What office? A. Trustee.

Q. Has the district manager of the Evening Herald and Express ever furnished you a change apron? A. Yes, sir.

Q. Has the district manager of the News ever done that? A. No, sir.

Q. On your corner do you have any boxes that were furnished you by the district manager of the Evening Herald and Express? A. Yes, sir.

Q. Do those boxes bear the name of Evening Herald and Express? A. Yes, sir.

Q. Do you from time to time, or have you from time to time been given advertising matter by the district manager of the Evening Herald and Express? A. Yes, sir. [511]

(Testimony of Philip Spampinato.)

Q. And have you been given any instructions by the District Manager of the Evening Herald and Express relative to the display of such advertising matter?

The Witness: Yes.

Q. (By Mr. Mouritsen) And is the advertising matter that you have received similar to Board's Exhibit 7? A. Yes, sir.

Q. (By Mr. Mouritsen) And have you received advertising placards from the district manager of the News? A. Yes, sir. [512]

Q. (By Mr. Mouritsen) Do you recall, Mr. Spampinato, when you received such instructions from your District Manager on the Evening Herald and Express regarding the display of the advertising matter?

A. Well, they generally bring those cards around I think about once a week. They told me to put them on a box and see that I display them—make sure that I display those cards.

Q. In other words, do they give you such instructions on the occasions when they bring the cards around?

A. Yes, sir. They tell me to put them out and see that they are on the box—make sure that they are there.

Q. And is that also true of the News district man? A. Yes, sir.

Q. (By Mr. Mouritsen) Mr. Spampinato, did you have a conversation or conference with Mr.

(Testimony of Philip Spampinato.)

Norton respecting the number of papers that you were to have at night? [513]

A. Yes, sir.

Q. And about when did that conference occur?

A. About 1939, I think. About February or March.

Q. When did the conference occur?

A. The conference occurred while on my corner.

Q. Who was present?

A. Mr. Norton was present, and the Union Grievance Committee was present, and I was present.

Q. Well, can you recall the names of any members of the Union Grievance Committee?

A. Well, Pat Comorre, organizer, myself, Axel Rod, and some other member, I can't remember right now.

Q. Can you tell us what was said and done at that time?

A. Well, there was too many papers being left on the corner, and we were arguing about it and we came to the stage where I was ready to leave—after I would leave—we had 30 papers on the corner, and we have three corners, and I was supposed to leave 10 papers on each corner, that is, 30 sheets, after I left the place.

Q. You say you were arguing about it. You were arguing with whom?

A. Well, with Mr. Norton, and the Grievance

(Testimony of Philip Spampinato.)

Committee was there, and we were trying to cut down the papers so I wouldn't eat so many, and the rest of the boys who worked for me. [514]

Q. (By Mr. Mouritsen) Was that about all that was said at that conference?

A. At that conference it was all about how many papers, having to pay for too many papers, unsold copies, and so I wouldn't have to eat so many, and so that the boys wouldn't have to eat so many.

Q. What do you mean by this expression "eating" papers?

A. Well, paying for unsold copies.

Cross Examination

Q. (By Mr. Compton) Mr. Spampinato, do you sell magazines? A. Yes, sir.

Q. How many different magazines do you sell?

A. There is Liberty, the Post, Colliers, and Look.

Q. You purchase them at what price—for instance, the Saturday Evening Post?

A. 3½ cents.

Q. And you sell them for 5 cents?

A. Yes.

Q. And you sell the other magazines on the same sort of an [515] arrangement?

A. Yes, sir.

Q. And you retain the profits that you make from those sales? A. Yes, sir.

Q. And do you sell the Evening Herald and

(Testimony of Philip Spampinato.)

Express and News—what do you pay for the Evening Herald and Express?

A. The Herald costs me 3 cents a copy.

Q. And you sell it for 5 cents?

A. For 5 cents.

Q. And you retain the profits of all the papers that you sell? A. Yes.

Q. You testified concerning a change apron. Does the district man charge you for that change apron? A. No, sir.

Q. It is free and costs you nothing?

A. It costs me nothing.

Q. Do you use it? A. Yes, sir.

Q. It is a convenience, isn't it?

A. Yes, sir.

Q. It keeps you from getting your shirt front dirty? A. Yes, sir.

Q. And is a convenient way of holding your change? A. Yes. [516]

Q. You testified concerning some boxes furnished by the district man. Has any charge ever been made to you for those boxes?

A. No, sir.

Q. What do you use the boxes for?

A. For the papers, the property of the Herald, to put the papers on.

Q. You put the papers on the top of the box?

A. Yes.

Q. And that keeps them out of the dirt and filth of the street? A. Yes, sir.

(Testimony of Philip Spampinato.)

Q. It is a sanitary measure, isn't it? I mean it keeps your papers off the street.

A. Well, if it gets windy a lot of dust gets on them just the same.

Q. And keeps them away from passing dogs and what not? A. Yes.

Q. And you use the box, don't you?

A. Yes.

Q. And it is a convenience to you, isn't it?

A. Yes.

Q. Now, these advertising placards, do you have any objection to displaying those advertising placards?

A. No. They are given to me and they tell me to put them [517] in the box. They have slots in the box where I just slide them in.

Q. You just slide them in?

A. Yes. They tell me to slide them in and see that I have them in.

Q. And those placards advertise certain editions or special features of the paper? A. Yes.

Q. Do you think they help sell papers?

A. They should.

Q. Do you think they do? A. Yes.

Q. And the more papers you sell the more money you make? A. Yes.

Q. Are you quite positive in your particular case that you use the box furnished by the Evening Herald and Express?

A. Well, I have several boxes there. One is the

(Testimony of Philip Spampinato.)

Examiner box and naturally being higher when I am there I put my papers on the Examiner box.

Q. You don't use the Evening Herald and Express box?

A. I use the Evening Herald and Express box and when the Examiner comes I have to give him his box. The box belongs to him.

Q. Do you receive a check from the Evening Herald and Express? [518]

A. Yes, sir.

Q. What is the amount of the check?

A. I think it is $7.40.

Q. Does that voucher or check you receive show a deduction for Social Security tax?

A. Yes.

Q. Do you know how much?

A. It is six cents, I think. [519]

Q. At what time do the first off spot boys come on; that is, the off spot boys who get their papers at your corner?

A. I have one spot that comes to work at the same time I do. He is supposed to be on the corner at 9:00 o'clock.

Q. And when do the others come?

A. The others come at 3:00.

Q. So until 3:00 o'clock you distribute papers to no one except this one boy concerning whom you have testified? A. This one boy, yes.

Q. And at 3:00 o'clock, the editions that come on after that time you distribute to more boys, the so-called off spot boys? A. Yes, sir.

(Testimony of Philip Spampinato.)

Cross Examination

Q. (By Mr. Binford) Do you sell all editions of the News, Mr. Sampinato? A. Yes, sir.

Q. The early morning editions?

A. I mean the Evening News. [520]

Q. There is no Evening News. I am talking about the present now.

A. I sell from the fifth edition.

Q. You do not sell the morning edition, do you

A. No, sir.

Q. And have you ever received, or do you ever receive any of the copies of the News from any person except the district man connected with the News or their drivers or trucks? A. No, sir.

Q. Do you receive a check from the News?

A. Yes, sir.

Q. How much is that check?

A. $3.00.

Q. Is there a Social Security tax deducted from that? A. No.

Q. There is no Social Security tax deducted from that?

A. I mean it is deducted but I haven't deducted it.

Q. But it is deducted?

A. It is deducted, Social Security and Unemployment.

Q. Based on the amount of the check that you receive? A. Yes.

Q. Now, you say you also receive some kind of

(Testimony of Philip Spampinato.)

advertising placards from the Daily News; is that right? A. Yes.

Q. What do you do with those? [521]

A. They tell me to put them in their racks. They have a rack. I was instructed to place them on the rack.

Q. And you do that? A. Yes.

Q. What do those placards advertise?

A. Some feature in the paper.

Q. Some feature in the paper?

A. Yes, sir.

Q. They are to help you sell the paper, to help you advertise the paper?

A. To help advertise the paper.

Q. And that helps you sell it?

A. Yes, sir.

Q. As you say, it should, at least?

A. It should.

Q. How many boys do you furnish papers to?

A. I have five.

Q. Three on the other corners? On the other street corners?

A. I have one, two—I have three corners, one traffic. One stands in front of an A. & P. store.

Q. And you furnish all of those boys with papers?

A. I furnish all of them with papers.

Q. When the News delivers its papers to you does it deliver them all on one corner?

A. No. It is all according to what directions they are [522] coming in.

(Testimony of Philip Spampinato.)

Q. Well, I didn't say all the same corner every time, but do they leave them all at one corner or do they leave them at two corners?

A. Well, when he comes down Seventh Street he dumps them on my corner; if he is coming down Alvarado he dumps on the park corner.

Q. But he doesn't dump them on two corners on the same trip?

A. No, he doesn't dump them on two corners on the same trip.

Q. You take charge of the papers at whatever corner he dumps them, and you go to that corner if you are not already there and attend to passing them out to the other boys; is that correct?

A. I pick up those papers. I am responsible for them.

Q. Do you collect from the other boys?

A. Yes, sir.

Q. Do you make a profit on that transaction?

A. I don't make no profit on those boys.

Q. The only profit you get from your services is this check that you get from the News; is that correct? A. Yes, sir.

Q. Do you sell any other publications of any kind, magazines of any kind, except those that you designated to Mr. Compton in his examination?

A. Well, there is Look. I mentioned Look. And there is [523] the People's World rack.

Q. Do you have anything to do with that?

A. Yes, sir.

(Testimony of Philip Spampinato.)

Q. Do you sell the People's world?

A. Yes, sir.

Q. Do you make a profit on it?

A. Yes, sir.

Q. Do you sell any—pardon me; go right ahead.

A. I have the morning papers left there with me also.

Q. I was just going to ask you if you sold the Examiner sometimes. A. Yes, sir.

Q. And the Times sometimes?

A. And the Times. And the No. 4 edition of the News is also left there with me.

Q. So long as we did not get it all complete at first, you sell the News, and also occasionally some of the leftover morning edition of the News?

A. They are all left to me.

Q. And you sometimes sell the Times?

A. Yes.

Q. And the Examiner, and People's World. Right? A. Right.

Q. Talk so the Reporter can hear you. And the People's World? [524]

A. Yes.

Q. And the Herald and Express?

A. The Herald.

Q. And Look? A. Look.

Q. And Colliers. Go ahead; what else?

A. Post, Liberty.

Q. The Post and Liberty; is that right?

A. Yes.

(Testimony of Philip Spampinato.)

Q. Are there any others at all at any time? Do you sell the Ladies Home Journal, ever?

A. No, unless the magazines are brought to me to sell, and I just lay them on the box there and sell them.

Q. That is true of the People's World too, isn't it? A. Yes, sir. [525]

Q. What I am asking you with respect to the Herald and Express and the News, those papers are left there for you to sell, are they not?

A. Yes, sir.

Q. And sometimes copies of the Times and Examiner are left for you to sell, are they not?

A. Yes.

Q. You don't go to any particular point off of this corner to pick up any late papers and Examiners?

A. No, except the Evening News and Herald.

Q. Where do you go for them?

A. If he stops on the other corner I go over there to get them.

Q. I am talking about the four corners of 7th and Alvarado, apart from the intersection. You do not leave the general intersection; is that right? [526] A. No, sir.

Q. Is there any publication, newspaper, magazine, or printed matter of any kind or character that you sell, or that you have sold within the last year, other than the ones that you just designated?

The Witness: I can't recall—I don't——

(Testimony of Philip Spampinato.)

Q. (By Mr. Binford) None that you know of?

A. None that I know of. I may have and I may not. If they brought them there—I don't know.

Q. Do you deal in any other printed property, magazines, any other personal property?

A. That is all.

Q. Do you sell anything else besides printed matter, magazines and newspapers?

A. No. [527]

Redirect Examination

Q. (By Mr. Mouritsen) Who supplies you with the Saturday Evening Post and Liberty?

A. Joe Woods.

Q. That is the district manager of the Evening Herald and Express? A. Yes, sir.

Q. Mr. Compton asked you if it was not a fact that the more papers you sold the more money you made. I will ask you, Mr. Spampinato, if it is not a fact that the more papers you sell the more money the Herald and Express makes?

A. Yes, sir.

Mr. Compton: We will stipulate that, your Honor.

Q. (By Mr. Mouritsen) With reference to the number of copies of the Times and Examiner, and the earlier edition of the Daily News that you sell, approximately how many of these papers are left with you at the beginning of your selling day.

A. Well, whatever the Examiner boy does not sell, why, he leaves them there with me.

(Testimony of Philip Spampinato.)

Q. And as a general rule, about how many does he leave [528] there?

A. Well, I guess about 15 or 20.

Q. And how many of these as a general rule do you sell?

A. Well, there is about a bunch of ten, between them all.

Q. Between all three? A. All three.

Q. And about how many copies of the Times and Daily News does he leave over there?

A. Well, that is included.

Q. You mean they leave about 15—a total of 15 copies in those three.

A. Yes; about 7 or 8 Examiners, sometimes 10. If it goes tough for them and they don't sell any, he leaves them there sometimes. And it is more of an accommodation to the district man so he can pick up some late sales.

Recross Examination

Q. (By Mr. Binford) One question I forgot to ask the witness, and that is, do you get full returns from the News? A. Yes, sir.

Q. You don't have to eat any papers?

A. I don't have to eat any papers. [529]

Mr. Cosgrove: May it be stipulated Mr. Examiner, that the testimony of Philip Spampinato is not intended to apply to the Times Mirror case?

Mr. Mouritsen: That may be so stipulated.

Mr. Hall: May the same stipulation be entered into with respect to the Los Angeles Examiner?

(Testimony of Philip Spampinato.)

Mr. Mouritsen: It may be so stipulated.

Mr. Binford: May it be deemed Stockholders Publishing Company make the same motion with respect to the testimony of Mr. Spampinato in so far as it refers to conversation had or instructions given by Mr. Norton, the district man for the Herald and Express, subject to the same stipulation that was tendered in connection with all of the preceding witnesses?

Mr. Mouritsen: Yes, sir.

Mr. Binford: Respecting this line of testimony.

Mr. Mouritsen: That will be so stipulated.

Trial Examiner Kennedy: Same ruling.

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## MIKE BARRETT

called as a witness by and on behalf of the National Labor Relations Board having been first duly sworn, was examined and testified as follows: [530]

Q. (By Mr. Mouritsen) Mr. Barrett, where do you live?

A. 2500 Blossom Lane, Redondo Beach.

Q. Do you at present sell the Evening Herald and Express? A. I do.

Q. Where do you sell them?

A. Third and Broadway, the northwest corner.

Q. From whom did you obtain that spot?

A. Well, I knew it was open and I went down

(Testimony of Mike Barrett.)

to the office one morning and I asked Joe Woods if I could take the spot over and he said, "Sure."

Q. Joe Woods. That is the district manager of the Evening Herald and Express; is that correct?

A. Yes, sir.

Q. When did you obtain that spot?

A. Two weeks ago last Monday.

Q. At least, in the month of May, 1940; is that correct? A. Yes.

Q. What time do you commence in the morning to——

A. (Interrupting) Well, the boy on the main spot told me to show up at 9:30, and I come at 9:30 and quit at 6:20. [531]

Q. Do you receive a check from the Evening Herald and Express? A. No.

Q. Do you receive a check from the News?

A. No.

Q. Are you the main spot boy? A. No.

Q. Are you a member of the Newsboys Union?

A. Yes.

Cross Examination

Q. (By Mr. Compton) Mr. Barrett, do you sell any other newspapers than the Evening Herald and Express and News? A. None, no.

Q. Do you sell any magazines?

A. Magazines, yes.

Q. Which ones do you sell, Mr. Barrett?

A. Liberty, Post, Collier's and Look.

Q. Do you sell any other publications of any kind? A. None.

(Testimony of Mike Barrett.)

Q. Do you sell any other printed matter?

A. None.

Q. And you said you sold no other newspapers?

[532] A. No other newspaper.

Q. What do you pay for the Evening Herald and Express? A. Three cents.

Q. To whom do you pay that?

A. The boy on the main spot.

Q. The boy on the main spot? A. Yes.

Q. And what do you sell the Evening Herald and Express for? A. A nickel.

Q. That is the price that is printed on the paper?

A. The price that is printed on the paper?

Q. And you retain whatever you——

A. (Interrupting) I retain the two cents' profit.

Q. Do you do the same thing, that is, you handle the magazines in the same manner?

A. The same manner, yes.

Q. Did you state that you knew the corner was open? A. Yes.

Q. You didn't have to pay anybody for that corner, did you? A. No, sir.

Q. It just happened to be that there was nobody there——

A. (Interrupting) And I asked for the spot and he said, "Show up in the morning."

Q. He said, "Sure, go ahead"? [533]

A. Yes.

(Testimony of Mike Barrett.)

Cross Examination

Q. (By Mr. Binford) Do you sell all editions of the News or just from the fifth edition on?

A. From the fifth to the tenth.

Q. Are there any left over morning editions that you sometimes sell? A. No.

Q. You don't sell those at all? A. No.

Q. So you just sell from the fifth to the tenth?

A. I just sell the daily papers.

Q. You get your News from the wholesaler on the corner?

A. I get them from him and pay him as I get them, and I get returns on them. [534]

Q. And you get full returns on them?

A. He pays me back for what I have left. I pay him in advance.

Q. You pay him in advance? A. Yes.

Q. And you keep the difference between what you pay him and what you sell it to the customer for?

A. Yes. I keep all the difference. In other words, they are paid for first.

Mr. Binford: That is all.

Mr. Compton: The same is true in regard to the Herald?

The Witness: No, I pay at the end of the evening.

Mr. Compton: You pay at the end of the evening and you get full returns on the Herald?

The Witness: I do.

(Testimony of Mike Barrett.)

Redirect Examination

Q. (By Mr. Mouritsen): Who brings you the Saturday Evening Post and Liberty?

A. I get them from the main spot the same as I do my papers.

Q. And have you observed who brings them to the main spot?

A. I have never paid no attention. [535]

Trial Examiner Kennedy: Anything further? Do you have a Social Security card?

The Witness: I have, yes.

Trial Examiner Kennedy: When did you take it out?

The Witness: I think in 1936 or 1937.

Trial Examiner Kennedy: Have you made any change in the registration on it since you started to work down here selling papers?

The Witness: There was no job on it. I was working for the city at the time.

Trial Examiner Kennedy: But I mean since you started to [536] work down here in May, 1940, have you made any change in the registration.

The Witness: No, I haven't.

Trial Examiner Kennedy: Do you know who is registered as your employer on the Social Security?

The Witness: Nobody. I was working for the city at the time.

Trial Examiner Kennedy: Since you have been down here on this corners, selling newspapers.

(Testimony of Mike Barrett.)

starting in May, 1940, do you know of any arrangement made by anyone to cover you for Workmen's Compensation?

The Witness: I do not.

Trial Examiner Kennedy: Who are you working for now?

The Witness: Well, I sell the Herald and Express and News, the Evening News.

Trial Examiner Kennedy: Who do you think you are working for?

The Witness: Well, I think I am working for the Herald, and the News too.

Mr. Cosgrove: Will it be stipulated, Mr. Mouritsen, that the testimony of the witness Mike Barrett is not [537] applicable to the Los Angeles Times case?

Mr. Mouritsen: That will be so stipulated.

Mr. Hall: Will the same stipulation be made with reference to the Los Angeles Examiner?

Mr. Mouritsen: I will so stipulate.

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## PATRICK COMORRE

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, resumed the stand and further testified as follows:

### Direct Examination

Q. (By Mr. Mouritsen): Now, Mr. Comorre, I believe you testified earlier that you were an organizer for the Newsboys Union for approximately a year.

(Testimony of Patrick Comorre.)

A. That is correct. [538]

Q. And during what period was that, if you recall?

A. I believe to be pretty close would be between July, 1938, to July of 1939.

Q. Now, during that period did you become acquainted with the various newsboys selling the Los Angeles Evening Herald and Express?

A. Yes, I did.

Q. Will you explain how you became acquainted with them?

A. Well, as an organizer you are supposed to try to get them to join the union, and naturally you go where they are at to talk to them and try to get them to come into the union, explain the benefits that a union can fetch them, and so forth and so on.

Q. Did you become familiar in general with their various operations?

A. Yes, sir, pretty much so.

Q. And the hours during which they operate?

A. That is right.

Q. And the other conditions under which they work? A. Yes, sir.

Q. Now, Mr. Comorre, I wonder if you will explain what you mean by check men, so far as the Evening Herald and Express is concerned?

A. Well, I consider a check man a man or a newsboy or news vendor [539] who receives a check from the Herald and Express. [540]

Friday, June 14, 1940.

Met, pursuant to adjournment at 9:30 o'clock a. m. [552]

Mr. Mouritsen: Mr. Examiner, the Union at this time desires to move to amend the second amended petition filed in the matter of Hearst Publications, Inc., Los Angeles Evening Herald and Express Department, the jurat bearing date June 6, 1940, which is in evidence as Board's Exhibit 1-BB, so that the unit claimed to be appropriate will appear as "All full-time newsboys and check men who are engaged to sell the Los Angeles Evening Herald and Express within the city limits of Los Angeles, California, excluding bootjackers, temporary, casual and part time newsboys."

Trial Examiner Kennedy: What is the amendment, now? Read that again, please.

Mr. Mouritsen: "All full-time newsboys and check men who are engaged to sell the Los Angeles Evening Herald and Express within the city limits of Los Angeles, California, excluding bootjackers, temporary, casual and part time newsboys."

Trial Examiner Kennedy: In other words, to eliminate the words "spot newsboys"?

Mr. Mouritsen: "Main spot."

Trial Examiner Kennedy: "Main spot" newsboys.

Mr. Mouritsen: And in explanation of that change, I may state that this does not indicate a change in position [554] of the newsboys, but in attempting to define these various terms we ran into some difficulties, and the unit claimed under

the amendment is the same unit claimed under the unit before amendment, but it is merely to avoid certain difficulties in defining the terms used.

Trial Examiner Kennedy: Is there any objection to the motion? Granted.

Mr. Mouritsen: May this be marked Board's Exhibit next in order?

Mr. Cosgrove: Could we have stated for the record the case in which that amendment applies?

Mr. Mouritsen: That applies in case XXI-R-928.

Trial Examiner Kennedy: What number will this next exhibit be?

The Reporter: Board's Exhibit 8.

Trial Examiner Kennedy: Board's Exhibit 8.

Mr. Compton: If the Examiner please, before the stipulation is offered in evidence, I would like to have a stipulation with Mr. Mouritsen to this effect: that in joining in a stipulation signed by the petitioner we do not waive our objection to the testimony attempting to prove the legal existence of the petitioner; in other words, we still want to make any points we may have, that the so-called union is not a legally constituted union, and so on; and that the stipulation here is simply for the purpose of definition. [555]

Trial Examiner Kennedy: You wish to offer this stipulation on behalf of the Board?

Mr. Mouritsen: Yes. I think that stipulation would be acceptable.

Trial Examiner Kennedy: Is there any objec-

tion to the receipt in evidence of Board's Exhibit 8 for identification? Received.

(Thereupon the document referred to was received in evidence and marked Board's Exhibit 8.) [Exhibit No. 8 is set out at page 58 of this printed record.]

Mr. Cosgrove: May it be stipulated, Mr. Mouritsen, that the stipulation which has just been received and marked for identification—I did not catch the number.

Trial Examiner Kennedy: 8. Board's Exhibit 8.

Mr. Cosgrove: Thank you. ——is not applicable to the Los Angeles Times case?

Mr. Mouritsen: Yes; that may be so stipulated.

Mr. Hall: May the same stipulation be made with reference to the Los Angeles Examiner case?

Mr. Mouritsen: Yes; it may be so stipulated.

Mr. L. B. Binford: And the Stockholders Publishing Company case?

Mr. Mouritsen: Yes; that may be stipulated.

Trial Examiner Kennedy: Now, Mr. Hall, did you have something you want to take up? [556]

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## PATRICK COMORRE

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, testified further as follows:

### Direct Examination

Q. (By Mr. Mouritsen): When you were on the stand yesterday, Mr. Comorre, I believe you

(Testimony of Patrick Comorre.)

testified that during the period when you were organizer and since that time you have contacted [559] a number of these full time hustlers and check men who sell the Los Angeles Evening Herald and Express? I will ask you if that is correct?

A. That is correct.

Q. Will you explain just what these contacts consisted of? How did you meet these men? As an organizer?

A. You mean how I actually done it?

Q. Yes.

A. Well, I went to the corners where they were at and talked to them about joining the Union, and also about their conditions and what their—what they was considered as newsboys, and what time they start, what time they quit, and all the things.

Q. Did you visit the corners on more than one occasion? [560] A. Yes, I did.

Q. Please describe your activities in that respect.

A. Practically all the corners, probably on eight or ten occasions, and in some instances as high as 20 times—some corners.

Q. Recently—that is, in the last couple of months—have you had any contact with these newsboys? A. I have.

Q. Will you explain what that contact was?

A. Well, just the last three or four months I have been around practically all the corners again;

(Testimony of Patrick Comorre.)

that is, on two or three different occasions, and sometimes more. I am also a shop steward of the—what you call a shop steward, a man that helps collect the dues, and having a car I was able to get out in the outskirts, out of the downtown district, more so than anyone without a car, and naturally I used to have a list of newsboys to collect dues from, and also go out on occasions where there was grievances; and that way I came in contact with practically all of them. And I also—further than that, I have checked just recently practically all the corners from my own knowledge so I would know just about how many newsboys there were and how many different types of newsboys there were so I would have that in case I needed that information.

Q. Can you in general tell us what are the characteristics [561] of the full time newsboys and check men who you claim are within the appropriate unit?

Mr. Hall: You are referring, counsel, to the alleged unit affecting the Herald and Express only?

Mr. Mouritsen: Yes, affecting the Herald and Express only. [562]

A. Well, as I find them, most of the check men, practically in all cases with the exception of a few there, full grown men, or young men 21 or 22 years old, and in most cases older men, and

(Testimony of Patrick Comorre.)

that probably have families and lots of them—most of them do have families—and men that depend on that work for their livelihood. And that goes for the full time men also. In fact, full time men are mostly all with lesser exception than the check men. That is with—they are more so that type of person than of the check men. We have a few check men, I would say, that—on afternoon spots are good sized boys, probably in high school, that gets out of school early and comes out and takes care of the main spots; that is, the wholesale job, as they call it, on that intersection or where he may be. [563]

Q. Now, from your observation and from your investigation, Mr. Comorre, are you able to state what are the ages in general and characteristics of the part-time newsboys?

A. Well, what we consider part-time——

Q. That can be answered yes or no?

A. Yes.

Q. Will you please state generally the ages and the characteristics of these part-time newsboys?

A. Well, the part-time newsboys are mostly, in all cases [564] practically, that is, on the Herald and Express and the News—but I think the question is for the Herald and Express?

Q. The Herald and Express.

A. They are boys that go to school and get out of school and do that work, or some of them may go to school half a day and have a fairly good

(Testimony of Patrick Comorre.)

spot, and come out early, or something like that—kids that go to school, I would say.

Q. In between what hours do these part-time newsboys work, or do they operate?

A. Well, I would say most of them work, from what I have checked, that most of them work from around 2:30 until 6:30 or 7:00 o'clock.

Q. And do they in some instances start later than 2:30?

A. They do. In some instances they start at 3:30, that is, boys that sell papers on the streets. That is not including the route boys or anything like that.

Q. In your activities as organizer and since that time, have you made any attempt or attempts to organize other than newsboys in the city of Los Angeles?

A. No, we haven't. That is, I haven't. I don't think anyone has.

Q. And so far as you know, have any other efforts been made by the union to organize the newsboys other than in the city of Los Angeles, that is, this local union?

A. In this particular case, that is, the Herald and Express [565] newsboys?

Q. Or this particular Local #75.

A. Well, the Local, where the united fellows that work out—we try to get all of the fellows that work out of the offices or out of the main plant here, the district men that work out of the main

(Testimony of Patrick Comorre.)

plant, that is, the night newspapers or the morning newspapers,——

Mr. Hall: Is this evidence offered against the Examiner and the Times?

Mr. Mouritsen: No; only the Herald and Express and News.

Mr. Hall: He is referring to night men.

A. I am speaking of something else. Maybe I am confused on the question, Mr. Examiner.

Q. (By Mr. Mouritsen): Well, so far as the newsboys themselves for the Evening Herald and Express are concerned, do you know of any attempts by the Union to organize those, other than those who operate within the city of Los Angeles?

A. No, I don't know of any attempt made to organize anybody outside of the city.

Mr. Mouritsen: Mr. Compton, may it be stipulated that all full-time newsboys and check men receive the papers at the same price?

Mr. Compton: Well, all we can say is that as far as is known to the executive officers, that is correct.

Mr. Mouritsen: Thank you. I think that is all, [566] Mr. Comorre.

Cross Examination

Q. (By Mr. Compton) Mr. Comorre, do you know how many individuals in the city of Los Angeles are engaged in the selling of the Evening Herald and Express at any time during a particular day?

(Testimony of Patrick Comorre.)

A. Well, about 650 or 700.

Mr. Cosgrove: Is that just Herald boys or all boys?

A. Just Herald. Of course, they sell the News too, but I mean we are speaking of the Herald right now. [567]

Redirect Examination

Q. (By Mr. Mouritsen) And, Mr. Comorre, from your investigation can you state approximately how many full time newsboys and check men there are in the City of Los Angeles who sell the Evening Herald and Express? A. Yes.

Q. Will you please so state?

A. I judge about—well, I will be pretty sure in saying about 210 or 212. [569]

Q. Mr. Comorre, we have stipulated, as I recall, that wholesalers and check men are synonymous terms. Now, can you tell me how many check men of that 210 or 212—I withdraw that and reframe my question. Can you tell me how many check men are included in that 210 or 212 men you estimate to be in the unit? A. Yes, I can.

Q. How many?

A. Approximately, I would say about 110 or 112 or 113, or something like that.

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Comorre, you estimated that there were some 600 newsboys, 600 or 700, in the city and of that there were about 220 check men and—210 or 212 check men and full time

(Testimony of Patrick Comorre.)

hustlers. Of what does the difference between 212 and the 700 newsboys consist? What type of newsboys are they?

A. Well, the 210 or 212, that is what I considered was the full time newsboys and check men, and the rest of them were boys that come out after school, as I think I explained before in the previous question. [570]

Trial Examiner Kennedy: Anything further? Now, as to this large balance here, the difference between 210 and the six or seven hundred, has the Union ever taken any of those in?

A. Well, when they have wanted to come in or asked us to take them in we have taken them into the Union, but we prefer not to have them.

Trial Examiner Kennedy: Do you have any idea of about how many of that class you have in the Union now?

A. No. They go and come so much that you can't hardly figure them. At the present time I don't know.

Trial Examiner Kennedy: Well, what is the reason you don't want them in the Union?

The Witness: Well, because they—well, my reason would be that they don't work steady; they are going and coming and they don't depend on it for a livelihood. That is, it don't make much difference whether they are working or not. In most instances they just work for spending money or something like that. [571]

(Testimony of Patrick Comorre.)

Redirect Examination

Q. (By Mr. Mouritsen) Mr. Comorre, these part time hustlers, or school boys in general, do they earn as much—are their earnings as great as the full time hustlers—or newsboys or check men?

A. No.

Q. And, in general, could you state how much they make on their spots; that is, the part time boys?

A. Well, the part time boys—it will vary. It all depends on the importance of the corner, how much traffic or how many people or what size building is on that corner. In some cases the newsboys make as low as 50 cents and in some cases they make maybe a dollar and a half or two dollars.

Q. That is, the part time boys?

A. That is right. [581]

Mr. Cosgrove: May we have a stipulation to the effect that the testimony given by the witness Comorre since he was recalled to the stand yesterday afternoon late, and including his testimony this morning, is not intended to apply to the Los Angeles Times?

Mr. Mouritsen: It may be so stipulated. Also with reference to the Examiner.

Mr. L. B. Binford: And the Herald and Express —I mean, the News?

Mr. Mouritsen: Yes. [583]

LOUIS SCHWARTZ,

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Trial Examiner Kennedy: Your full name, please?

The Witness: Louis Schwartz.

Direct Examination

Q. (By Mr. Mouritsen) Where do you live, Mr. Schwartz? A. 727 North Soto.

Q. In the City of Los Angeles?

A. Yes, sir.

Q. And do you at the present time sell the Los Angeles Evening Herald and Express?

A. Yes, sir, I do.

Q. And the News? A. Yes, sir.

Q. At what spot?

A. Sixth and Spring; the northwest corner.

Q. And are you a member of the Newsboys Union? A. Yes, I am.

Q. And have you ever acted on any of the committees of that union? A. Yes, sir.

Q. I will ask you in particular if you have ever acted on a constitutional committee of that union?

[584]

A. Yes, sir.

Q. And do you recall about when you became a member of the constitutional committee of the Union?

A. It was between the month of—either the latter part of June or the first of July.

(Testimony of Louis Schwartz.)

Q. What year? A. 1937.

Q. And did that committee act upon the adoption of any—or upon the consideration of any constitution for the Newsboys Union?

A. Yes, sir.

Q. Did it hold meetings? A. Yes, sir.

Q. And did it present to the union as a whole any recommendations regarding a constitution?

A. Yes, sir. [585]

Q. (By Mr. Mouritsen) Now, Mr. Schwartz, were you present at a general meeting of the Newsboys Union at which were presented various proposals regarding a constitution for the Newsboys Union? A. Yes, sir, I was.

Q. And can you give us the approximate date of that meeting? [586]

A. You mean when it was finally adopted?

Q. Yes, the meeting at which the constitution was finally adopted.

A. I think it was in October.

Q. Of what year? A. 1937.

Q. And was any action taken by this meeting that you attended regarding the adoption of a constitution for the newsboys union? A. Yes.

Q. What action was taken?

A. A motion was made and seconded that the constitution presented by the C.I.O. nationally be adopted as a whole, and then an amendment was made that the recommendations of the constitutional committee as regards certain changes in cer-

(Testimony of Louis Schwartz.)

tain of the articles of the draft constitution of the C.I.O. be amended and adopted in full with the recommendation of the constitutional committee. [587]

Q. (By Mr. Mouritsen) And you were a member of the constitutional committee that made certain recommendations? A. Yes, sir.

Q. Now, after that meeting, were the recommended changes to your knowledge embodied in mimeographed or printed form?

A. Yes, sir.

Q. Mr. Schwartz, I will show you a document that has been marked Board's Exhibit 5 for identification, and I will ask you if that is a copy of the constitution that was adopted at this meeting to which you refer. A. Yes, sir. [588]

Q. (By Mr. Mouritsen) Mr. Schwartz, I note that this document, namely, Board's Exhibit 5 for identification, also shows or contains C.I.O. rules for industrial unions. I will ask you if those rules for industrial unions were adopted at that meeting to which you referred. A. Yes, sir.

Q. And I note that the document, that is, Board's Exhibit 5 for identification, also contains suggested standing rules for local industrial unions. I will ask you if at that meeting the suggested standing rules for local industrial unions were adopted. A. Yes. [589]

Q. (By Mr. Mouritsen) Now, Mr. Schwartz, I show you a document that has been marked Board's Exhibit 5-A for identification, and I will ask you

(Testimony of Louis Schwartz.)

if the information appearing upon the document from Article I to the bottom of the page, and Section 12 on page 2, are the changes suggested by the constitutional committee of which you were a member. Now, please read those——

A. This last and here?

Q. No, merely from Article I.

A. O.K. (Witness reads document referred to silently.) Yes, sir.

(Thereupon the document referred to was received in evidence and marked Board's Exhibit 5-A.) [590]

## BOARD'S EXHIBIT 5-A

## THE CONSTITUTION OF THE NEWSBOYS' L. I. UNION #75 AS OF DECEMBER 5.

Kindly Preserve This Bulletin To Keep Your Constitution Up-to-Date. There Will Be Other Editions As Changes Are Made From Time To Time

A Constitutional committee was elected at the Meeting of October 10th to prepare a Constitution in accordance with C.I.O. purposes. This committee recommended the following articles to the members for adoption before the elections of October 17:

### Article IV

Section 4: Only those who have paid dues in full are eligible for office.

(Testimony of Louis Schwartz.)

Section 5: Elections shall be by secret ballot, and it shall require a majority of votes cast to elect.

Section 1: The offices of recording secretary and financial secretary shall be consolidated, and the officers of the Union shall be a President, Vice-President, Secretary, Treasurer, Sergeant-At-Arms, three Trustees, and an executive board composed of all the officers and five additional members.

Section 2a: All officers elected in this election shall remain in office until January 1, 1939.

These articles were adopted unanimously on October 17.

At the meeting of November 19, the Constitutional committee reported that it had ordered one hundred (100) copies of the Constitution drafted for Local Industrial Unions by the C.I.O. and recommended that the remainder of the Constitution be adopted as printed.

This motion was carried unanimously, with an amendment that the Constitutional committee's recommendations be followed to fill in all blanks. These recommendations from the minutes of the meetings of October 14, and November 7 are as follows:

Article I

Section 1: This Union shall be known as the Newsboys' L. I. Union, #75 of Los Angeles, California.

(Testimony of Louis Schwartz.)

Article III

Section 1: The membership of the Union shall include all workers employed in the general distribution and sale of newspapers, magazines, and periodicals with the exception of persons who have the power to hire and discharge.

Article IV

Section 2: The officers shall be elected at the first membership meeting in January.

Section 2b: The Trustees shall hold office for one year.

Section 6: At the time of nominations for office a balloting committee of five members shall be elected by the rank and file, but no candidate for office shall be on the balloting committee.

Section 9: The President shall preside and preserve order at all meetings of the Union and of the Executive Board; enforce the rules, subject to the approval of the Executive Board, appoint all committees not otherwise provided for, and transact such other duties as are usual to the office of President, or that may be required by the Union.

Section 12: The Financial Secretary shall collect and receive all monies due the Union, and turn the same over weekly to the Treasurer, and take his receipt therefor. The remainder as printed.

The changes for Article IV, Section 1, Section 2a, Section 4 and Section 5 are mandatory. The other

changes as recommended by the Constitutional committee may be followed until the rank and file rule otherwise.

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Q. (By Mr. Mouritsen) And did you remain a member of that Union after the adoption of the constitution? A. Yes, sir.

Q. Did you attend the meetings of the organization? A. Yes, sir.

Q. Were officers elected? A. Yes, sir.

Q. Did you participate in the election of such officers? A. Yes, sir.

Q. Did you serve on any other committees of the organization? A. Yes, sir.

Q. Now, from what men were the officers of the Union elected?

A. From all newsboys selling newspapers in the City of Los Angeles.

Q. And of your own knowledge do you know that the newsboys selling the Evening Herald and Express were members of the Union after that time?

A. Yes, sir.

Q. And of the News? A. Yes, sir.

Q. And of the Times? A. Yes, sir.

Q. And of the Examiner? A. Yes, sir.

Q. And of your own knowledge do you know whether or not [591] newsboys selling all of those papers acted upon various committees of the organization? A. Yes, sir.

(Testimony of Louis Schwartz.)

Q. And did they so act? A. Yes, sir.

Q. Did the newsboys of all those organizations participate in the election of officers?

A. Yes, sir.

Q. Did you act upon any other committees of the organization after the time when you acted upon the constitutional committee? A. Yes, sir.

Q. Did you ever act upon a grievance committee of the Union? A. Yes, sir.

Q. While you were a member of the committee did it on any occasion take up grievances with any of the publishers; that is, the Evening Herald and Express, the News, the Times, or the Examiner?

A. I was only on committees that visited the management of the Herald and Express and the News.

Q. I see. And can you state just in general what matters or what grievances the committee took up while you were a member of it?

A. We took up grievances in regard to getting stuck on papers, told to come out in the morning of an election and fight extras and also not getting enough papers of certain [592] editions; that is, regulate the papers so we could really sell more.

Q. Well, now, with which representative of the management of the Evening Herald and Express did you take up such grievances?

A. With Mr. Harrison.

Q. While you were a member of the Grievance Committee of the Union, Mr. Schwartz, did you as a member of that committee take up grievances with

(Testimony of Louis Schwartz.)

representatives of the Stockholders Publishing Company, Inc.? A. Yes, sir.

Q. And you understand the Stockholders Publishing Company publishes the News?

A. Yes, sir.

Q. And with which representative of the paper?

A. Bob Smith, Dutton O'Brien, and I think Lee Reichert was in at one of the conferences. I don't think he was present when we got there, but I think Mr. Smith called him in.

Q. And while you were a member of the Grievance Committee did that committee take up various grievances with district managers of the Evening Herald and Express?

A. That is out of the Herald office on the corners, you mean, things like that?

Q. Well, this is the district managers as contrasted with taking up grievances with Harrison himself. [593] A. Sure.

Q. Would you state the names of any district managers with whom you took up grievances as a member of that committee?

A. Yes. With Mr. Norton, Joe Woods, Bill Abel, if you call him a district man—I don't know his term—with Jake Gratz.

Q. But did you take up any grievances with any district managers of the News? A. Yes.

Q. And will you please name those men, please?

A. Martinez—well, that's about all in an official capacity, except speaking casually. More or less we

(Testimony of Louis Schwartz.)

didn't want to raise no beef, there was so many, so—— [594]

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## JOE ROTH,

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Trial Examiner Kennedy: Your full name?

The Witness: Joe Roth.

### Direct Examination [613]

Q. (By Mr. Mouritsen) Where do you live, Joe? A. Me? 759 Crocker Street.

Q. That is in the City of Los Angeles?

A. I am here about—I come here in 1894.

Q. But the street where you live is in the City of Los Angeles, is that right?

A. Yes, that is where I live.

Q. And do you sell papers for the Evening Herald and Express?

A. The last six years, yes.

Q. And for the News? A. The News, yes.

Q. Now, where do you sell those papers?

A. Huh?

Q. Where do you sell them, on what corner?

A. Second and Main.

Q. And do you sell them or have you sold them there for six years?

(Testimony of Joe Roth.)

A. Six years, the 2nd of May it was six years.

Q. Who is your Herald and Express district manager? A. Joe Woods.

Q. Has he ever removed you from that corner?

A. He fired me twice.

Q. Well, when did he last fire you?

A. The last time—oh, it is about—I don't know exactly. [614] I made a complaint to him. I don't know what month any more. He fired me on account I had too many returns.

Q. About how long ago was that?

A. Oh, I guess just about six or seven months, or something; I don't remember exactly.

Q. Now, did you ever have a conversation with Joe Woods respecting the price at which you were to sell papers?

A. Yes, I sold it to customers on Second Street for four cents and he told me to charge five cents.

Q. Wait a minute. About when did this conversation take place?

A. It took place at Second and Main.

Q. About what time?

A. A quarter to 12:00.

Q. How long did it take place after he had put you off the corner?

A. He took me off the corner before that.

Q. And then did he put you back on the corner?

A. After he put me back on he told me I had better charge five cents. [615]

Q. Now, Mr. Roth, I want you to tell me if you

(Testimony of Joe Roth.)

can the approximate date when this conversation with Joe Woods occurred about the price of the paper.

A. I couldn't say exactly which month, but I made a complaint to him there. He got the date, I guess.

Q. To Mr. Comorre? A. Yes.

Q. Did you take the matter of your discharge or your firing up with Mr. Comorre?

A. I took it up to the Union, to him, yes.

Mr. Mouritsen: May it be stipulated that Mr. Comorre, who was present at that time, if called would testify that this occurred—when he took up Joe Woods putting this man off the corner was about January of 1939?

Mr. Hamblin: That is when this conversation took place?

Mr. Mouritsen: And that this conversation about the [616] price took place shortly after that time, as the witness has already testified. He said it was a few days after he was put back.

Mr. Hamblin: We will stipulate that the witness will no doubt eventually testify that the conversation took place a few days after the month of January, 1940.

Mr. L. B. Binford: 1940 or 1939?

Mr. Mouritsen: 1939. Did you say 1940, Mr. Hamblin?

Mr. Hamblin: 1939.

Mr. Mouritsen: Well, that stipulation is accepted.

(Testimony of Joe Roth.)

Q. (By Mr. Mouritsen) Now, was anyone else present when you had this conversation with Joe Woods about the price of the paper?

A. Oh, I think there was a couple in the car but I don't remember who it was. It was in front of the car when I returned the magazines, you know, in the car, a quarter to 12:00 or a quarter after 12:00.

Q. Were those two persons with Joe Woods in his car?

A. Yes, those fellows work for him.

Q. You don't know their names? A. No.

Q. Will you state what you said to Joe Woods and what Joe Woods said to you?

A. Well, he put the fellow on the corner, and he found out he sold two papers to two Jewish merchants on Second Street [617] for four cents. He said, "You can't sell them papers for four cents. The price is five cents. If I find out you do that again I'll fire you again."

Q. And after that time did you sell the paper for five cents to those two Jewish gentlemen?

A. Yes. Since then I sell it for five cents.

Cross Examination

Q. (By Mr. Compton) How old are you?

A. Me? 73.

Mr. L. B. Binford: I assume it will be stipulated the testimony of this witness is not intended to be binding upon the Stockholders Publishing Company?

Mr. Mouritsen: It may be so stipulated.

(Testimony of Joe Roth.)

Mr. Cosgrove: Nor upon the Times-Mirror?

Mr. Mouritsen: That is correct. Nor the Examiner. [618]

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Afternoon Session

(Whereupon, at 1:30 p.m., the hearing was resumed, pursuant to the taking of recess.)

CHARLES C. SPILLERS,

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Mouritsen) Where do you live, Mr. Spillers? A. I live 87-88th Place.

Q. Is that in the City of Los Angeles?

A. Yes, it is.

Q. Do you sell the Evening Herald and Express at the present time? A. Yes, I do.

Q. And the News? A. The News.

Q. At what spot? [619]

A. Food Town Market, known as Food Town Market, between 87th and 88th Place.

Q. How long have you been handling the Evening Herald and Express and News at that spot?

A. Well, whenever I sell them, about six months, about that—six or seven months.

Q. And who put you on the spot?

(Testimony of Charles C. Spillers.)

A. Well, a fellow by the name of Tony—I don't know what his other name is. He gave me the job.

Q. Is he district manager for either of those papers?

A. He was at that time. He had charge of circulating papers. He had at that time but he has moved now; he is off on another place.

Q. Which paper did he bring around to you at that time?

A. Brought the Herald and Express.

Q. Who is your present district manager for the Herald and Express?

A. I can't think of his name. I haven't got familiar with his name yet. I don't know what his name is.

Q. Now, when Tony put you on the spot did he have any conversation with you with respect to where you were to operate?

A. Well, yes. I was selling at the Food Town Market.

Q. Just where did the conversation take place?

A. At the Food Town Market. I went to him for the job. [620]

Q. Who was present other than you and Tony?

A. Well I don't know of anybody who was present at that time. I don't know of anyone.

Q. Was this Tony the man who brought the copies of the Evening Herald and Express to you?

A. He is the one.

Q. Now, would you relate the conversation that took place at that time?

(Testimony of Charles C. Spillers.)

A. Well, I just told him I would like to take the place [621] over, or I asked him for the place and he told me I could have it, and that is about all there was to it. He just told me where I had to work and he said I would have to stay there until 8:00 o'clock; that is, he would like for me to stay there until 8:00 o'clock at night, and I would go on at 10:00 in the morning and be there at 10:00 in the morning.

Q. Now, what did he say with reference to where you were to work?

A. Well, he just told me that was my place to work; that is, in front of the market itself. I was to operate there in front of the Food Town Market, no other place.

Q. Is that all that you can recall of that conversation?

A. Yes, that is all that I recall. That is about all there is to it. I asked him for the place before that, previous to that, and he told me when it come open I could have it.

Q. For the purpose of refreshing your recollection, did he say anything with reference to whether or not you were to operate inside of the market?

A. No, I don't get inside of the market at all. They won't let you work in there, anyway.

Q. Now, do you receive a check from the Herald? A. Yes.

Q. The Evening Herald and Express?

A. Yes, I do.

(Testimony of Charles C. Spillers.)

Q. And do you count out papers to other newsboys? [622]

A. Yes, I give them to three others.

Q. And did Tony say anything to you at that time respecting these other newsboys?

A. No, nothing only just we have to respect one another's place, you know, where we work. They have a right to the place they work and I do mine. We generally divide the line where we work.

Q. I mean did he say anything in respect to the number of papers to give these boys?

A. Yes, every issue we get so many papers out and that is what they get and that is all.

Q. And do you then check these other boys in?

A. No, I check nothing only just one of the boys on the spot there that works for me.

Q. Do you know who the branch manager of that territory is?

A. No, I have never been over there. I know where it is at. That is, it is in Green Meadow, but I don't know who the main man is. I never had any dealings with him at all.

Q. When you started did you also handle the News, the Daily News?

A. No, I got the News later. He turned the News over to me later, the News man did.

Q. Do you know the name of the News man?

A. Harry something. I don't know what his name is. When you are on the corner that way

(Testimony of Charles C. Spillers.)

you never pay attention to what the [623] name is, just Harry or whatever it is.

Q. Do you now perform the same operations with reference to the News that you do with reference to the Herald; that is, count them out to several of these other boys?

A. Well, the News, I handle them strictly by myself. Nobody gets the News at all. I handle them myself. I don't hand them out to anybody.

Q. Do you receive a check from the News at the present time? A. I do.

Q. At the present time are you allowed to return all unsold copies of the Evening Herald and Express that you have?

A. Well, I am to keep 10. We would for a while—we had no returns of the papers, but just here lately we get a return, and all I am supposed to keep, I am supposed to keep ten of them. That is, we call it eating them, I am supposed to eat ten of them, but here the last two weeks we have done a little better than that. I have only had to eat about half of them, five or six. I get five and the other fellow gets five, and all over 10 he takes back himself.

Q. When you say you are to eat five and the other fellow is to eat five, what other fellow do you mean?

A. Well, the boss himself, he takes them back. That is, the new man does that now. He splits it with me. I don't have to eat them.

Q. With reference to the name of the News district manager, [624] I will ask you if his name is Harry Reynolds.

(Testimony of Charles C. Spillers.)

A. I think that is his name. I am not sure. I think that it is Harry Reynolds. I have knew him a long time but I just never did know what his other name was.

Q. Now, prior to the time when you started to work on the Food Town Market spot, did you work on any other spots?

A. Well, I worked at Slauson and Figueroa for a while.

Q. And about when was that?

A. It was in 1937.

Q. Can you fix more definitely the time?

A. No, I can't tell you just what time it was. It was along in 1937. I don't know just what month it was. [625]

Q. How long did you sell on that spot?

A. I didn't sell but just a little while.

Q. Well, about how long in weeks?

A. I suppose about a month or something like that, a month and a half. I figure about a month or a month and a half. I am not sure, but I think it was about a month or a month and a half.

Q. Can you fix the period during which you sold? Was it in the summer of 1937?

A. It must have been in the—probably in the summertime. I know it was kind of warm, nice and warm. It must have been in the summertime.

Q. And do you recall the name of your Evening Herald and Express district man at that time?

A. Just the same as the other, Harry is all I

(Testimony of Charles C. Spillers.)

know. I know his name when I hear it, but it is Harry.

Q. I will ask you if his name was Plotkin.

A. Harry Plotkin was his name.

Q. During the period while you were selling on Slauson and Figueroa, did you have any conversation with Plotkin regarding the price at which you were to sell the Evening Herald and Express? [626]

A. Oh, no; I knew what the price was on the paper. There was no question about that at all. He just told me. I asked him for the place and he gave it to me.

Cross-Examination

Q. (By Mr. Compton): Mr. Spillers, at the present time you stated that you would check in for the Evening Herald and Express? A. Yes, sir.

Q. For a boy that works——

A. Works for me.

Q. Works for you? A. That is right.

Q. Does that mean he works——

A. I give him the issue of the papers, and he works on the front for me.

Q. On the same spot?

A. To take care of the front.

Q. Does he work on the same spot that you do?

A. And I check——

Q. Just a minute, please. Just listen to the question. There is no hurry about it; just take your time, and just answer the question the way I ask it. Will you, please? A. Yes.

(Testimony of Charles C. Spillers.)

Q. Do you both work on the same spot? [627]

A. The boy does, and me, yes.

Q. Does he work for you?

A. Only it is across in front of the building on the other side.

Q. He works across the street?

A. Yes; on the other side, in front of the building.

Q. Does he work there for you?

A. He works and sells papers for himself, but I give him papers.

Q. Do you know whether the early editions of the morning papers are received at that spot at night time? A. The Heralds?

Q. No, the early edition of the morning papers.

A. There is no hustler there. They put them in the rack.

Q. They put them in the rack?

A. Yes, they do.

Mr. Mouritsen: Could we have the papers specified.

Mr. Compton: The Times and Examiner.

A. They put them in the rack. At night they have a man [628] there hustling for them, but in the morning they put them in the rack.

Q. How do those racks operate? Do they leave the money in the slot?

A. Yes, they put them in a slot.

Q. With these five or ten papers that you eat, do you ever leave them there so they will be sold?

A. Oh, yes. I leave them there. That is, I leave

(Testimony of Charles C. Spillers.)

there what they can sell of them every night. I usually have some left.

Trial Examiner Kennedy: Do you ever get any returns for those, for the ones you leave there?

The Witness: Well, yes, I leave them there with the man that works over there—and he pays me for—he only sells about four or five, you know, all together, and I only pay for those what I have left. If it is 10, I eat that, and if is 7 or 8, they take them. At the present time it is a little better than it was. I don't leave them all together, but he takes them and splits them with me.

Cross-Examination

Q. (By Mr. L. B. Binford): Mr. Spillers, are you quite certain—I am not trying to confuse you— [629]

A. Yes, I know.

Q. ——but I want to be sure what you are talking about. Was that district man's name Harry Reynolds, or Harry Maxwell?

A. Maxwell is what it was, yes.

Q. The district man for the News?

A. Yes, Maxwell.

Q. Now, you are quite certain it is Maxwell?

A. Yes. It sounds familiar to me. I wouldn't be positive, but Harry Maxwell is what it is.

Q. Does that sound more familiar to you than Reynolds?

A. Yes. That's right. I am sorry that I made the mistake.

(Testimony of Charles C. Spillers.)

Q. That is all right. Do you get full returns on the news?

A. Oh, yes, I do; I get full returns.

Q. About how many copies of the News do you sell out there each day on the average?

A. Well, it runs about—all the way from 60 to 70; something like that.

Q. 60 or 70? A. Yes.

Q. How many boys, Mr. Spillers, do you work with out there?

A. You mean Heralds and News—Heralds—all together?

Q. How many newsboys?

A. Let's see. We have two—there is four of us altogether.

Q. Four of you altogether?

A. Yes, sir. Three Heralds. One works at the back of the [630] building, one Thrifty's and myself and the boy that works in front of Thrifty's.

Q. And you do not allow any of those boys to sell copies of the News?

A. Oh, yes. They handle the News, but they get them in racks. They have racks.

Q. Who puts them in the racks?

A. I put them in the racks myself.

Q. Then you do distribute them around so they can get them? A. Yes.

Q. You put them in the racks or give them to the boys? A. Yes.

Q. They all handle the News?

(Testimony of Charles C. Spillers.)

A. Yes. Yes, in a general sense, and in another way not.

Q. What do you mean by that?

A. Well, I have charge of them myself. I turn them over to them.

Q. You collect from the boys for the News, don't you? A. Well, it is all mine, but——

Q. I didn't ask you whose it is. You collect the money from the boys for the News?

A. Yes. I take it out of the racks.

Q. What other papers do you sell?

A. Herald and News.

Q. What other magazines do you sell? [631]

A. I don't handle any magazines.

Q. Do you handle the People's World?

A. It is in the rack up there.

Q. Don't you collect the money for it?

A. I take it and collect the money for it, but I don't hustle the paper at all.

Q. I didn't ask you if you hustled it, but I asked you if you handled it. Do you know the difference between hustling and handling?

A. Yes. I take the money for it.

Q. Do you make a profit on it?

A. We sell about four papers a day.

Q. Do you make a profit from the papers you sell? A. Two cents.

Q. Who delivers those to you?

A. I don't know what the man's name is that brings them out there. I am not familiar with it at all.

(Testimony of Charles C. Spillers.)

Q. How many does he deliver there?

A. About seven?

Q. About seven?

A. Seven. From two to four every day.

Q. And do you handle any other newspaper?

A. No.

Q. Are you sure? A. Sure. [632]

Q. You do not handle any other kind of magazine or other publication?

A. No, sir, I don't.

Q. Do you handle the Racing World, or charts or anything of that kind?

A. No, sir, I don't.

Q. How long have you been working at this particular corner?

A. About six or seven months.

Q. Prior to the time that you went to work there you had had, you say, about one month's experience in selling papers?

A. Well, I had worked for a while down at Sixth and Broadway, worked at the News there, worked there two years.

Q. Selling the News? A. Yes.

Q. Exclusively? A. Yes. Sure.

Q. When you were working at this one month when you were selling the Herald and Express in 1937—you think it was the summer?

A. I believe that's it.

Q. Did you sell the News then?

A. Yes, I had the News then, too.

(Testimony of Charles C. Spillers.)

Q. You sold the News too, at that time?

A. Yes.

Q. Where were you working? [633]

A. Slauson and Figueroa.

Q. And you sold the Herald and Express and News? A. Yes, sir.

Q. What News did you sell? Morning or evening? A. The Evening News.

Q. Did you sell the Morning News?

A. No, sir.

Q. Just the Evening News?

A. Evening News.

Q. Do you get a check from the Stockholders Publishing Company? A. That is the News?

Q. That is the News. A. Yes.

Q. How much do you get?

A. I get 98 cents.

Q. You get 98 cents. And you handle the papers through these three boys?

A. Yes, sir.

Redirect Examination

Q. (By Mr. Mouritsen): Mr. Spillers, I believe you testified [634] that these News—the copies of the News on that corner are left in racks; is that correct?

A. Well, they are left in racks. I take care of the racks and the boys handle them through the racks.

Q. Well, do you receive a certain——

A. Yes, sir.

(Testimony of Charles C. Spillers.)

Q. You have copies of the News?

A. Yes.

Q. And does the district manager put these copies in the racks?

A. No. He gives them to me and I put them in the racks.

Q. What do you mean that you collect the money out of the racks? How——

A. I have to put them under lock and key. If I didn't they would steal them all out of it.

Q. How do these other boys operate with respect to those racks?

A. Well, at a certain time, by giving a key to the rack, one has a key to the rack and he has got the drug store—he keeps it at the drug store, and he takes it out himself. He's got the key to the rack up there.

Q. Well, do you count out the papers that are placed in the racks? A. Yes.

Q. And how long have you been doing that? [635]

A. Well, about five months, I guess, something like that.

Q. You started handling the News about a month or so after you started handling the Evening Herald and Express? A. Yes.

Q. Ever since you started handling the News have you operated as I have described?

A. Yes, the same way.

Q. Now, how long, Mr. Spillers, have you received this check for 98 cents from the News?

(Testimony of Charles C. Spillers.)

A. Well, about five weeks ago it started; something like five weeks ago; somewhere in there.

Q. And at the time when you started to receive the check, did you change your method of operation with reference to the handling of the News in any way?

A. Well, no, just about the same thing.

Q. Prior to the time when you started receiving a check, did you ever have any conversation with the News District Manager about a check?

A. No, I never asked him nothing about it until I got started working and I seen the rest of them were getting it, and I said, "How come I didn't get one?"

Q. With whom did you talk concerning that?

A. I went to my boss alone, I went to Harry, my boss, for the News.

Q. And about when did you talk with him about receiving [636] a check?

A. Well, just about a week or two before I got it.

Q. And where did the conversation take place?

A. Right there in front of the building, in the car; he was sitting in the car, and I asked him about it.

Q. Was anyone else there other than you and Mr. Harry? A. No.

Q. Will you please tell us what you said to Mr.—to the News district manager and what he said to you?

(Testimony of Charles C. Spillers.)

A. I just asked him, I said, "Harry, how come that I can't get a bonus?" I said, "The rest of them get out here." I said, "How come I can't get some?" I said, "The Herald pays a bonus and I am entitled to one from the News." And he said he would see what he could do about it, and some way, I don't know how he got it, but he went down to the office and I got it.

Q. You have been receiving a check since that time every week? A. That is right.

Recross Examination

Q. (By Mr. L. B. Binford): After you place the papers in the rack in different locations, the school boys come along later and get them?

A. They steal a lot of them. [637]

Q. Do they take them out of the racks and handle them?

A. Yes, they take them out and read them and put them back.

Q. I mean the boys that handle the papers, do they carry the papers under their arms and try to sell them?

A. Some of them do and some just leave them in the rack.

Q. Some of them put them under their arms and try to sell them? A. Yes.

Q. They have the privilege, do they not, of taking them and hustling them if they want to?

A. Yes.

(Testimony of Charles C. Spillers.)

Q. Are you a member of the Newsboys Union No. 75? A. That is right.

Q. When did you become a member?

A. About a month and a half or two months ago.

Trial Examiner Kennedy: Do you have a social security card?

The Witness: Yes, I do.

Trial Examiner Kennedy: Who is listed, if you know, as the employer with the Social Security Board?

The Witness: I don't know who it was, but I showed them my Social Security. [638]

Trial Examiner Kennedy: You don't know who is listed as employer?

The Witness: No.

Mr. Cosgrove: Mr. Mouritsen, this testimony of the witness Charles Spiller has no application to the Times case, has it?

Mr. Mouritsen: No; that may be so stipulated.

Mr. Hall: Will you make the same stipulation, that this evidence that has just come in from the witness Charles Spiller is not applicable to the Los Angeles Examiner?

Mr. Mouritsen: Yes, that may be so stipulated.

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SAM KAHN,

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, testified as follows:

(Testimony of Sam Kahn.)

Trial Examiner Kennedy: Your full name?

The Witness: Sam Kahn.

Direct Examination

Q. (By Mr. Mouritsen): Where do you live, Sam? A. 1260 Georgia.

Q. That is in the City of Los Angeles? [639]

A. Yes, sir.

Q. Do you handle the Evening Herald and Express at the present time? A. Yes, sir.

Q. And the News? A. Yes, sir.

Q. And where do you handle them?

A. Florence and Broadway.

Q. How long have you been on that spot?

A. Oh, I should say about two years or a little over two years.

Q. And who is your district manager for the Evening Herald and Express?

A. Harry Plotkin.

Q. Has he been your district manager during the entire period while you have been on this spot?

A. Yes.

Q. And who is your News district man?

A. Harry Maxwell.

Q. And has he been your district manager during this time while you have been on this spot?

A. Yes, sir.

Q. Has Mr. Plotkin ever said anything to you regarding the hours that you are to be on the spot? [640]

(Testimony of Sam Kahn.)

Trial Examiner Kennedy: Answer that yes or no. A. Yes.

Q. (By Mr. Mouritsen): And when did he say anything to you about that?

A. Well, he said that when I first went to work.

Q. And where did he say that to you? Where were you when you talked with him about that?

A. Well, that is when I was first hired down at the branch office at 5414 Figueroa.

Q. And when you had your conversation with Mr. Plotkin, was anyone else present other than you and Mr. Plotkin?

A. Well, I don't remember.

Q. Will you tell us what Mr. Plotkin said to you and what you said to Mr. Plotkin?

A. Well, when I first was hired, I was told to be on the [641] corner at the time the Green Flashes arrived. They probably arrive at 9:45 or 10:00, or probably a little later, and I was ordered to stay there until 8:00 o'clock, 8:00 p. m. in the evening.

Q. Is that what Harry Plotkin said to you?

A. Yes, sir.

Trial Examiner Kennedy: Well, did you relate everything that Mr. Plotkin said to you on that occasion?

The Witness: Well, I have just answered—yes, that is all. I just took the orders—worked the hours he told me.

Trial Examiner Kennedy: I asked if you have told us everything he said to you.

(Testimony of Sam Kahn.)

The Witness: Yes.

Trial Examiner Kennedy: That is right, is it?

The Witness: Yes

Trial Examiner Kennedy: Now tell us everything you said to him at that time.

The Witness: Well, that is all I could say, I told him I would obey the orders. That is all I said. [642]

Trial Examiner Kennedy: How long ago was that conversation?

The Witness: The first day I was hired.

Trial Examiner Kennedy: How long ago is that?

The Witness: Oh, about—as far as I can recall, either around October or November of 1938.

Trial Examiner Kennedy: Do you remember the exact words that Mr. Plotkin used on that occasion?

The Witness: Well, as far as I can remember, he said that my hours were from 10:00 in the morning until 8:00 in the evening. I know I have to stay there until 8:00 o'clock, no later.

Trial Examiner Kennedy: Are those the exact words he used?

The Witness: Well, I don't remember whether they are the exact words, but I know that he told me to stay there until 8:00 o'clock.

Trial Examiner Kennedy: That is the substance of the conversation? You can't give us the exact words. Well, now, [643] what about this being ordered to be there at a certain time. Did he say, "I order you," or did he use the word "order"?

(Testimony of Sam Kahn.)

The Witness: No. Here is the idea: I live right next door to the Herald office and I ride down in the truck with the first edition, the Green Flash, the first edition that comes out, and I go right to the branch office and from there I go right to my corner.

Trial Examiner Kennedy: I asked you did he use the word "order," did he order you to be there at a certain time?

The Witness: No, sir, he didn't.

Trial Examiner Kennedy: Then why did you use that word "order"?

The Witness: Well, I say, the orders I got from him was to be on the corner when the Green Flash come out.

Trial Examiner Kennedy: With that explanation I will allow the entire testimony to remain in the record.

Q. (By Mr. Mouritsen): Now, at that spot, Mr. Kahn, do you count out the papers to other newsboys? A. Yes, sir.

Q. Do you do that with copies of the Evening Herald and Express? A. Yes, sir.

Q. And with the News? A. Yes, sir.

Q. How many boys do you count out the papers to? [644] A. Three boys.

Q. And do you receive a check from the Evening Herald and Express? A. Yes, sir.

Q. From the News? A. Yes, sir.

Q. Now, since you started to handle the papers

(Testimony of Sam Kahn.)

on that spot, Mr. Kahn, have you ever been removed from that spot by the district manager?

A. Yes, sir.

Q. Which one? A. By Harry Plotkin.

Q. And about when did that occur?

A. Well, to my knowledge—it occurred twice. If I remember right, it was during the month of April, 1939, and I think around the latter part of August of 1939.

Q. Now, on the first occasion did you have a conversation with Mr. Plotkin before he removed you from the corner? A. Well, he——

Q. Just answer that yes or no. Did you talk with him about it? A. Yes, sir.

Q. Where did you have that talk with him?

A. On the corner of Florence and Broadway.

Q. And was anyone present other than you and Mr. Plotkin? [645] A. No, sir.

Q. What did he say to you and what did you say to him?

A. Well, he said I was laid off for two or three days, and I asked him why, and he said, "Because you weren't on your corner."

Q. Did you say anything further?

A. Well, I told him, I says, "What is the idea of the layoff?" If I remember right, I told him I had to go to the toilet, and when I told him that, well, he says he wasn't doing it, he says, "Bill Abels come by, the checker come by and told me to lay

(Testimony of Sam Kahn.)

you off because you weren't on your corner, you wasn't hustling."

Q. And was that about all of the conversation, or the talk that you had with him at that time?

A. Yes, sir.

Q. And after that time were you removed from the corner for two or three days?

A. Yes, sir.

Q. Now, this other time in, I believe you stated, August, 1939—— A. Around August.

Q. ——did you have a conversation with—did you have a talk with Mr. Plotkin at that time before he took you off the corner?

A. Well, he—— [646]

Q. That can be answered yes or no. Did you have a talk with Mr. Plotkin? A. Yes.

Q. Where did that talk occur?

A. At Florence and Broadway, at the corner.

Q. And other than yourself and Mr. Plotkin, was anyone else present? A. No, sir.

Q. Will you state what Mr. Plotkin said to you and what you said to him?

A. Well, he told me that—the thing was this: I had about 30 or 40 papers left, and I didn't have enough money to pay for them. Well, Mr. Plotkin said that I either had to pay for them or I couldn't go to work, and I come down the next morning and——

Q. Well, now, let's get this straight. Was that about all the conversation you had with him at that time? A. Yes, sir.

(Testimony of Sam Kahn.)

Q. Now, tell us what happened after that time with reference to your being removed from the corner?

A. Well, I got down to the corner and I found somebody else on my spot, and I went to Mr. Plotkin and I told him, I says, "What is the idea"——

Q. Did you have a talk with him?

A. After that. [647]

Q. Now, where did you have this talk with him?

A. That was at the branch office on Figueroa.

Q. Was anyone else present other than you and Mr. Plotkin?

A. Well, there was Bill Abel and Mr. Gratz.

Q. Is that Jake Gratz? A. Jake Gratz.

Q. State what you said to Mr. Plotkin and what he said to you.

A. I told him I just didn't have enough money to pay for the—to pay for the papers, and then Bill Abel told me, well, he says, "You can't go to work until you pay for those papers, until you pay up." And I was laid off for three or four days, and I want to say this, that I was put back to work and was reimbursed for the few days that I lost, by Mr. Gratz.

Q. Jake Gratz? A. Yes, sir.

Q. Has the district manager for the Evening Herald and Express furnished you any box out there? A. I didn't get that.

Q. Herald box. Did he furnish you a box?

A. Yes, sir.

(Testimony of Sam Kahn.)

Q. And from time to time does he give you advertising placards? A. Yes, sir.

Q. Has he from time to time given you any instruction with [648] reference to such advertising placards?

A. Well, he has told me to place them on the boxes, and around the post, all over the corners.

Q. When he has told you to do that have you done it? A. Yes, sir.

Q. Do you have any News racks there?

A. Yes, sir.

Q. Are those your racks? Do they belong to you?

A. No; they belong to the Daily News.

Q. From time to time has the News district manager furnished you advertising placards?

A. Yes, sir.

Q. Has he given you any instructions regarding those placards?

A. Just to tell me to have—to put them in the racks.

Q. And when he has said that to you have you put those placards in the racks? A. Yes, sir.

Q. Mr. Kahn, at the present time are you permitted to return all unsold copies of the Evening Herald and Express?

A. Well, I am permitted to return all but three —three or four—well, I will say five at the most.

Q. And approximately when was the number of three or five at the most fixed?

A. Why, if I return, say, ten sheets I would get

(Testimony of Sam Kahn.)

credit for seven, and if I returned anywhere from 20 to 25 or 30 I [649] would probably get credit for—well, we will say if I returned 25 I would get credit for 21.

Q. And who determined whether or not you received any credit at all?

A. As far as I know it is Bill Abels.

Q. Do you sell any magazines on your spot?

A. No, sir.

Q. Are you a member of the Newsboys Union?

A. Yes, sir.

Q. Have you held any office in that Union?

A. I am on the Executive Board of the Newsboys.

Cross Examination

Q. (By Mr. Compton): You say you are furnished a box by the Evening Herald and Express to put your papers on? A. Yes, sir.

Q. Do you have any objections to using the box? [650] A. No.

Q. (By Mr. Compton): It is a convenience to you, isn't it?

A. Yes, it is. I will admit that.

Q. (By Mr. Compton): Keeps your papers up off the street and out of the dirt and filth from the street, doesn't it? A. Yes, sir.

Q. Does the district manager give you a change apron? A. No, I don't get any. [651]

Q. If you wanted a change apron you would ask him for it?

(Testimony of Sam Kahn.)

A. Oh, yes. If I had any use for it I would. I carry a changer.

Q. A money changer instead of a change apron?

A. Yes, sir.

Q. Was the box on your corner ever stolen from the corner? Did it ever disappear?

A. Oh, yes. One or two.

Q. What do you do in that case?

A. Well, I just——

Q. What?

A. I just ask Jake Gratz for another box.

Q. In other words, you want another box and you ask him for it, don't you? A. Yes, sir.

Q. You never pay him anything for any of those boxes, do you? A. No, sir.

Q. Mr. Kahn, were you recently arrested for bookmaking on that corner?

A. Do I have to answer that? [652]

Q. (By Mr. Compton): Do you know what a felony is? A. Yes, sir.

Q. Were you ever convicted of a felony?

A. No. I was never convicted, no.

Q. (By Mr. Compton): Mr. Kahn, did you ever take bets on that corner? [653]

Mr. Mouritsen: Wait a minute. That is objected to as incompetent, irrelevant and immaterial.

Mr. Compton: It is another business activity, if the Examiner please, rather quite independent from the business of selling newspapers.

Trial Examiner Kennedy: Yes. I will allow you to go into that.

(Testimony of Sam Kahn.)

Mr. Mouritsen: Just a minute. I will instruct the witness, then, that he is to claim his immunity before he answers the question. [654]

Mr. Mouritsen: Well, Mr. Examiner, I would suggest to the witness that he refuse to answer the question upon the ground that he may incriminate or degrade himself. I know of no such formula, but I think he should refuse upon that ground. If the Trial Examiner then orders him to testify it should be specified by the Trial Examiner that such testimony is only for the purposes of this particular hearing. [655]

Trial Examiner Kennedy: Now there has been an objection made to the question. I have ruled that the question is proper. I direct you to answer the question.

Mr. Mouritsen: Now, in order that the witness may be entirely protected, Mr. Examiner, could he be instructed [656] first to claim the privilege that is afforded him under the statute, under the section that you have just read?

Trial Examiner Kennedy: Do you desire to claim your privilege for immunity—let's see what the wording is here—"after having claimed his privilege against self incrimination." Do you desire to claim your privilege against self incrimination?

The Witness: Yes, sir.

Trial Examiner Kennedy: In relation to this question that has been put to you?

(Testimony of Sam Kahn.)

The Witness: Yes, sir.

Trial Examiner Kennedy: Under the statute that I have read to you?

The Witness: Yes, sir.

Trial Examiner Kennedy: Very well.

Mr. Mouritsen: Could that be with respect to this question and any questions of similar purport?

Trial Examiner Kennedy: Do you understand that, that you are claiming your privilege under the statute as to this question or any questions of similar import that may be put to you?

The Witness: Yes, sir.

Trial Examiner Kennedy: Very well. Now, go ahead and answer the question.

Mr. Compton: May I ask the witness if he understands [657] that he may truthfully speak without danger of being prosecuted for anything that he reveals?

Trial Examiner Kennedy: Do you understand that?

The Witness: Yes, sir.

Trial Examiner Kennedy: Now, read the question.

(The question referred to was read by the reporter as set forth above.)

A. Yes, Sir.

Q. (By Mr. Compton): You did?

A. Yes, sir.

Q. (By Mr. Compton): Was that during the hours at which you were also on the corner selling papers? A. Yes, sir.

(Testimony of Sam Kahn.)

Cross Examination

Q. (Mr. L. B. Binford): Do you sell the People's World?

A. Well, a fellow comes around and leaves them on the box.

Q. Do you make a profit on them if they are sold? A. Well, yes.

Q. You say that you are furnished with a rack by the News? [658]

A. Furnished by the Daily News, yes, sir.

Q. Do you pay anything for that?

A. No, sir.

Q. Do you have any objection to using it at all?

A. Not at all.

Q. Does it help you sell your papers?

A. Yes, sir.

Q. Do you sell any other paper besides the News, the Herald and Express and the People's World?

A. No, sir.

Q. None whatever? A. No, sir.

Q. And do you sell all editions of the News or just from the fifth star on?

A. From the fifth star on to the tenth.

Q. You don't sell the morning editions?

A. No, sir.

Q. Now, you are also furnished with occasional placards by the News? A. Yes, sir.

Q. And do those placards contain advertising matter? A. Yes, sir.

Q. Respecting the News? A. Yes.

Q. And the features in the News? [659]

(Testimony of Sam Kahn.)

Q. Do they help you sell your paper?

A. Yes, it does.

Q. Do you pay anything for them?

A. No, sir.

Q. Any objection to your using them?

A. Not at all.

Redirect Examination

Q. (By Mr. Mouritsen): On this spot which you occupy, do you sometimes operate in the safety zone there? A. Yes, sir.

Q. Did you ever have any conversation with Mr. Plotkin regarding your operating in the safety zone? A. Yes, sir.

Q. About when did you have the first conversation with him regarding your operating in the safety zone?

A. The first one I had was when he first hired me. He says "Always play that safety zone."

Q. Well, let's fix the place, if we can, where this conversation took place.

A. Well, in fact, it takes place every day. He tells me to play that safety zone and get out in the traffic. [660]

Q. Well, what do you understand by his use of the term about playing the safety zone?

A. Just get out there and hustle those sheets in the safety zone, and now you take Florence Avenue on the north side of the street during the racing season, I will say Hollywood, he wants me to get out on the white line and hustle those sheets—it

(Testimony of Sam Kahn.)

isn't a safety zone. It is right in the street on the white line.

Q. On the white traffic lines?

A. On the white traffic lines.

Q. And has he so instructed you to do that?

A. Yes, sir.

Cross Examination

Q. (By Mr. Hamblin): Do you play the safety zone, as you call it, all the year round or during the racing season only? A. All year round.

Q. Do you find that it does increase the number of papers that you sell?

A. Well, it doesn't increase. I sell more papers by standing on the corner than I would in that safety zone.

Q. Do you personally always take the safety zone?

A. Yes. That is the main spot.

Q. Now, do you put in every day to your district man a standing order for papers? [661]

A. No, sir. I——

Mr. Mouritsen: Just a minute. I will object to this witness making any voluntary statement. He has answered the question.

Q. (By Mr. Hamblin): Well, will you explain then how you buy the papers that you obtain, that is, the Herald and Express?

A. It isn't that I buy it. I have got to take what they give me.

Q. You mean that you don't indicate in any respect how many papers you want from day to day?

(Testimony of Sam Kahn.)

A. No, sir. Well, sometimes if the papers are going good I will ask for an increase, but I get an increase at times regardless of whether they are going good or not, especially during this time, during the war crisis.

Q. Well, prior to the war crisis, didn't you tell your district man from time to time how many papers you wanted? A. No, sir.

Q. You mean you have nothing to do with the number of papers that are delivered to you?

A. No, sir. [662]

Q. Do you supply papers to other boys on that corner? A. Yes, sir.

Q. Do you supply any particular number on any given day to them?

A. Well, not exactly. I just know how many they sell and I give them that many.

Q. Do they tell you how many they want?

A. No, sir.

Q. You give them the number that from past experience you know they can sell, is that it?

A. Yes, sir.

Q. And you endeavor to sell the rest yourself? [663]

A. Sometimes I do and sometimes I don't. I get stuck about 75 per cent of the time.

Q. But you return all but three to five?

A. Yes, sir.

Q. Of those that you don't sell?

A. Yes, sir.

Q. And you are charged for the papers you re-

(Testimony of Sam Kahn.)

ceive from Mr. Plotkin at the rate of 3 cents a paper at the outset, I presume, aren't you?

A. Yes, sir.

Q. And then you pay him the amount of cash that you have collected from the sale of your papers and the amount of cash that you have collected from the other boys in connection with the sale of their papers; is that it? A. Yes, sir.

Q. And at the same time you turn in the proceeds you turn back all but three to five of the unsold papers; is that it?

A. I turn them all back.

Q. Well, when do you pay for the papers that you have sold?

A. Well, I pay for the papers that I sell and I pay for the papers that are unsold, too. I pay that every night. He gets around about 7:00 o'clock. I pay for the whole amount I take out regardless of whether they are sold or not.

Q. You pay at about 7:00 o'clock each night, is that it? A. Yes. [664]

Q. Well, I understood you to testify that you eat only three to five papers every day, is that right? A. Yes, sir.

Q. Well, now, after you have paid at 7:00 o'clock for all the papers, how is the arrangement made whereby you eat only three to five?

A. Well, he comes back the next night or—well, if I return them today, return 26 papers today from the night before, I would get paid tonight for them. If I returned 25 I would expect credit for about

(Testimony of Sam Kahn.)

say, 21, and he would give me that when I would check in the day's receipts.

Q. Well, the effect of this arrangement that you have just described is that you paid for 3 to 5 unsold papers but no more? A. That is right.

Redirect Examination

Q. (By Mr. Mouritsen): In other words, is this correct, Mr. Kahn, that at 7:00 o'clock at night when Mr. Plotkin comes around you pay him for all copies of the paper you have received during the day up until seven o'clock, and also the papers that he leaves you at seven o'clock; is that correct?

A. Well, I pay for the papers—there are six editions [665] that I pay for, from the Green Flash to the 7 star final, and if he leaves me—if my draw is 150 papers, I would get that during the day at certain times, and when Mr. Plotkin gets around I pay him for 150 papers, regardless of whether I have got them all on the corner or not. I pay for them, and then these returns I have when he gets around next day at 1:15, I return to him, and then he gets around that night and gives me credit for them.

Mr. Crosgrove: It is stipulated that the testimony of Sam Kahn is not intended to apply to the Los Angeles Times, at this time?

Mr. Mouritsen: That's correct.

Mr. Hall: It is also stipulated that it does not apply to the Los Angeles Examiner?

Mr. Mouritsen: That is correct. Mr. Examiner,

(Testimony of Sam Kahn.)

in support of its claim to represent these newsboys, the Newsboys Union is prepared at this time to offer 171 authorization [666] cards designating the Los Angeles Newsboys Union as the bargaining agent of these men, and is prepared to furnish those for the Trial Examiner's inspection.

Trial Examiner Kennedy: Very well. I understand that in the Trial Examiner making such inspection and making a report thereof for the record, it would generally require a check of the signatures to see whether or not they appear to represent names on the pay roll. Do you have any such thing as a pay roll in evidence?

Mr. Mouritsen: Board's Exhibit 3, Mr. Examiner.

Mr. Mouritsen: This is to be introduced for the purpose of indicating to the Board that this Union has been designated as the bargaining agent of the men the Union claims to represent.

Mr. Hall: May I ask this, further, Mr. Examiner: Do any [667] of these cards purport to state, or purport to contain a statement by any individual that that individual sells the papers of any particular organization?

Mr. Mouritsen: Of the Herald and Express.

Mr. Hall: Of the Herald and Express?

Mr. Mouritsen: Of the Los Angeles Evening Herald and Express at this time. And most of them also refer to the News; but they are offered at this time merely to indicate the designation of the newsboys who sell the Evening Herald and

(Testimony of Sam Kahn.)

Mr. Cosgrove: I gathered from the statement of Mr. Mouritsen that they had no application to the Los Angeles Times because Mr. Mouritsen in response to an inquiry of the Examiner said that the Examiner might check the authorization cards with the payroll which is marked Exhibit No. 3, which is a roster of the Herald and Express wholesalers and hustlers.

Mr. Mouritsen: That is correct.

Mr. Cosgrove: It would not have any application to the Los Angeles Times?

Mr. Mouritsen: No. [668]

Mr. Compton: If the Examiner please, may I ask, these cards are submitted to you for your examination, and upon that as a part of your report you find in effect that you have checked the names of the persons, determining that they probably resemble or are the names of persons on the payroll [669] of the Evening Herald and Express, you determine then that a majority of those persons have designated the Newsboys Union as its bargaining agent?

Trial Examiner Kennedy: No. What is required is that the regional director before the hearing, or if he has not done so before the hearing, the Trial Examiner at the hearing, if cards such as these, which read as follows—I want this in the record—"Card of Authorization. Date blank, 40. I hereby designate and select the Newsboys L. I. Union No. 75 C. I. O. to represent me for purposes of collective bargaining and with respect to rates

(Testimony of Sam Kahn.)

of pay, wages, commissions, bonuses, hours of employment and other conditions of employment. Blank signature. Blank address." And under the signature and address, "I sell papers for: blank." In which the Board would have to hold it states "Herald and Express and News, corner Venice and Vermont. I understand that the above information is to be used in connection with Labor Board cases."

Now, after having examined the cards offered for that purpose, it is the Trial Examiner's duty to compare the names that appear on those cards with any payroll to ascertain whether or not there is an apparent similarity in names on the cards and on the payroll. And he is then to report how many cards bearing names that appear to be on the payroll, and that is all. [670]

Trial Examiner Kennedy: The hearing will be in session. I have checked the number of cards heretofore described by me that has been handed to me by the attorney for the Board against a payroll or a list of alleged employees, Board's Exhibit No. 3, and I find that there are a total of 171 cards, 123 of which appear to have the signatures of persons found on Board's Exhibit 3. I will hand back the cards to counsel.

Trial Examiner Kennedy: I want to ask you a question about putting in evidence the records of the Social Security Board as to these people, as to who, if anyone, is registered as the employer.

Mr. Mouritsen: Well, I think there is no contest as to that. As I understand it, there is no con-

(Testimony of Sam Kahn.)

test as to that, and I think it may be stipulated that with reference to the [672] checks that these wholesalers or check men received, the company pays Social Security on such checks. Is that correct, Mr. Compton?

Mr. Compton: That is correct. [673]

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DAVEY BELL,

called as a witness by and on behalf of the Evening Herald and Express, and having been previously duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Compton): You have stated your occupation to be what?

A. Superintendent street sales.

Q. Of the Los Angeles Evening Herald and Express?

A. Of the Evening Herald and Express. [678]

Q. Mr. Bell, I am going to read you the testimony of one Harry Relis who testified on Wednesday, June 12, 1940, which testimony appears in Volume 3, Page 328:

"Q. By Mr. Mouritsen: Now, Mr. Relis, will you state the conversation that you had with David Bell, and if you will state only what he said to you and what you said to him at that time?

"A. He told me that I should have to get rid of my corner and in the meanwhile to put somebody

(Testimony of Davey Bell.)

to stay on my corner until I get somebody to sell it and get rid of it, but I will have to move. I am not, in other words, a suitable man to sell papers there. That was the conversation."

Mr. Bell, do you recall having any such conversation with Harry Relis? A. Yes, sir.

Q. You did? A. Yes, sir.

Q. And you told Mr. Relis that you had complaints? A. Yes, sir.

Q. And were those complaints oral or written complaints? A. Written.

Mr. Compton: Will you mark this for identification? I will hand you a letter on the letterhead of Downtown Business [681] Men's Association, dated December 21, 1934, addressed to Mr. David Bell, manager, street circulation, and signed, apparently, "Daine Sturgis," and ask you to state if you can identify that letter. A. Yes, sir.

Q. Did you receive that letter?

A. Yes, sir.

Q. In the ordinary course of mail?

A. Yes, sir.

Mr. Compton: I offer this letter at this time as Los Angeles Evening Herald and Express Exhibit next in order. I don't know what the number is.

Trial Examiner Kennedy: Any objection?

Mr. Mouritsen: Mr. Examiner, I submit that it is immaterial. In other words, I assume that it purports to explain why Mr. Bell removed Mr. Relis from the corner. I submit that is immaterial. It

(Testimony of Davey Bell.)

is the exercise of the control that is important, not the reasons therefor.

Trial Examiner Kennedy: Objection overruled. Received.

Mr. Cosgrove: May I inquire the number.

The Reporter: Herald's Exhibit No. 2.

(Thereupon the document referred to was received in evidence and marked Herald and Express Exhibit No. 2.) [Exhibit No. 2 is set out at page 483 of this printed record.] [682]

Saturday, June 15, 1940. [685]

Met, pursuant to adjournment, at 9:30 o'clock a. m.

Direct Examination
(Resumed)

Q. (By Mr. Compton): Mr. Bell, do you recall about what time that conversation took place with Mr. Relis; that is, was it about the time that Mr. Relis testified that it occurred?

A. About what?

Q. Was it about the time Mr. Relis testified that it did occur? A. Yes.

Q. Now will you state where the conversation took place?

A. At the Herald—in my office at the Herald. [688]

Q. Who was present?

A. I just can't recall whether there was anybody. There might have been several fellows there at the time.

(Testimony of Davey Bell.)

Q. Well, you were there? A. Yes, sir.

Q. And Mr. Relis was there? A. Yes, sir.

Q. Now, what did you say to Mr. Relis and what did he say to you?

A. Well, I told him that he had bought the rights to sell papers there on that corner; he would have to get along with the business people and everybody or otherwise all the newsboys would be removed from their corners. He wanted to know who made the complaint. I told him that I had received a letter from Daine Sturgis that represents the Downtown Business Men's Association, that he would have to go up there and see him and he could tell him who the people were from the Rowan Building that protested, and if he straightened out his matters with him that it would be satisfactory to me.

Q. (By Mr. Compton): Mr. Bell, I hand you a letter on the [689] letterhead of Downtown Business Men's Association, Los Angeles, dated January 3rd, 1935, addressed to David Bell, Street Circulation Manager, and signed "Dean Sturgis," and ask you if that is the letter you have just testified you received from Mr. Sturgis.

A. Yes, sir.

Trial Examiner Kennedy: May we have that marked for identification?

Mr. Compton: It is marked Herald Exhibit No. 3 for identification.

Q. (By Mr. Compton): What was the answer, please? A. Yes, sir.

(Testimony of Davey Bell.)

Mr. Compton: At this time I offer as Herald's Exhibit No. 3 the letter just identified by Mr. Bell.

Trial Examiner Kennedy: Is there any objection?

Mr. Mouritsen: No objection.

(Thereupon the document referred to was received in evidence and marked Herald and Express Exhibit No. 3.) [690]

[Herald Exhibit No. 3 is set out at page 485.]

Q. (By Mr. Mouritsen): Mr. Bell, Mr. Relis was removed from his corner for a period of two or three days; is that correct? [691]

A. Yes, sir.

Q. And that was at your direction; is that correct? A. Yes, sir.

Q. Is the Evening Herald and Express a member of the Downtown Business Men's Association?

A. That is something I don't know, sir. I can't answer that; I don't know. [692]

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ED BRYANT,

called as a witness by and on behalf of the Los Angeles Evening Herald and Express, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Compton): What is your address, Mr. Bryant? A. 243 South Olive.

Q. What is your present occupation, Mr. Bryant? A. Newsboy.

(Testimony of Ed Bryant.)

Q. (By Mr. Compton): Where do you sell papers? A. At First and Broadway. [693]

Q. What papers do you sell?

A. The Herald and Express and the Evening News.

Q. Do you sell any other newspapers?

A. A few that is left there by the morning men, such as the Examiner and Times and Daily News.

Q. And do you sell any magazines or periodicals?

A. The Saturday Evening Post, Liberty and Collier's.

Q. Mr. Bryant, how long have you been on the corner of First and Broadway?

A. Since June 1st, 1939.

Q. When did you acquire that corner, Mr. Bryant? A. On that date.

Q. On that date? A. Yes, sir.

Q. And from whom did you acquire the corner?

A. Sidney Faber and his father.

Q. Did you pay anything for the purchase of the corner? A. $600.00.

Q. Mr. Bryant, do you employ any assistants?

A. No.

Q. Had you sold newspapers prior to the acquisition of the corner at First and Broadway?

A. Yes, sir. [694]

Q. Where had you sold them?

A. Third and Broadway.

Q. Did you dispose of that corner?

A. Yes.

(Testimony of Ed Bryant.)

Q. To whom did you sell it?

A. Sidney Faber.

Q. What was the purchase price?

A. $250.00.

Cross Examination

Q. (By Mr. Mouritsen): Mr. Bryant, about how many copies of the Herald and Express do you sell a day? A. Personally?

Q. Personally. A. About 300.

Q. You do that and you operate on that corner six days a week? A. That is right.

Q. That would be approximately 1800 a week?

A. That is right.

Q. Approximately how many copies of the News do you sell on that corner a day?

A. About 100.

Q. That would be approximately 600 a week?

A. Yes, sir. [695]

Q. How many magazines in all do you sell?

A. In all it would be about 25.

Q. 25 a day or a week? A. A week.

Q. And, Mr. Bryant, you don't carry those magazines around in your arms as you do the Herald and Express, do you? A. No.

Q. And you also carry the News?

A. That is right.

Q. Do you carry those—do you carry the Herald and Express on the inside, with the headling pointing out, and the News folded on the outside of the Herald and Express with the headline also pointing out?

(Testimony of Ed Bryant.)

A. Whatever suits my convenience. If my arm is a little tired I don't carry any of them. Usually I stand with the Herald and Express in one hand and the Evening News in the other hand, both headlines showing.

Q. In other words, you are to give them an even break on display?

A. That is right, yes sir.

Q. Who was the district manager, or who was your district manager when you acquired this corner at First and Broadway?

A. A man known to me as Joe Woods.

Q. And did he say it was all right for you to handle papers on First and Broadway? [696]

A. That is right, yes, sir.

Q. Before you acquired that corner?

A. That is right.

Q. Sidney Faber was down on that corner before you were? Sidney Faber had been on that corner before you were? A. Yes, sir.

Q. Oh! I think you said you acquired the corner about June 1, 1939? A. That is right.

Q. Now, at the time when you acquired that corner you had a conversation with Joe Woods; is that right?

A. You mean before I negotiated, or after, for the corner?

Q. Well, you had such a conversation at some time? A. Yes.

Q. Where did that conversation take place?

(Testimony of Ed. Bryant.)

A. I believe it was at Third and Hill.

Q. And when did it take place?

A. It was on Saturday, about May the 24th or something; I [697] don't remember the exact date.

Q. Well, that is near enough. At least it was before you started to operate on First and Broadway. A. Yes.

Q. Who were present?

A. Myself and this Joe Woods and a person—a Mexican named Manuel—I don't remember his last name—who at that time owned the corner.

Q. You say, "Who at that time owned the corner." Didn't I understand you to state that you obtained it from Sid Faber? A. That's right.

Q. Who owned it at the time that you acquired it? Faber or—— A. Faber.

Q. Now, will you state what conversation you had with Joe Woods, what you said to him and what he said to you?

A. Well, there were several conversations altogether among different people. I merely asked Joe Woods if it was all right for whoever owned First and Broadway to sell it to me and for me to operate on the corner.

Q. And what did Woods say?

A. And he said, "Why certainly. You are as good a man as anyone to be there."

Q. Was that all the conversation?

A. That was all of that one.

(Testimony of Ed Bryant.)

Q. Well, were there other conversations after that time? [698]

A. No. That was the last one.

Q. Had there been conversations before that time?

A. Not pertaining to Sidney Faber.

Q. Pertaining to your acquiring the corner?

A. Yes.

Q. At First and Broadway? A. Yes.

Q. Where did you obtain the $600.00 for purchasing the corner?

A. From the bank.

Q. Didn't you, as a matter of fact, borrow that money from Joe Woods? A. I did not.

Q. Did you pay Joe Woods anything for that?

A. No.

Q. Operating on that spot? A. No.

Q. You are sure of that? A. Absolutely.

Q. At no time since then did you pay Joe Woods any money for operating on that spot?

A. No, sir.

Q. And you are sure of that? A. Yes, sir.

Q. Do you have a bank account, Mr. Bryant? [699] A. No, not myself.

Q. What do you mean by that—not yourself?

A. I have money in the bank in the name of Mrs. Mae Bryant, a relative of mine.

Q. Is that a checking account? A. Yes.

Q. What bank?

A. Farmers and Merchants at Fourth and Main. [700]

(Testimony of Ed Bryant.)

Q. And did you have this account at the Farmers and Merchants Bank at the time when you purchased this corner? A. Yes, sir.

Q. And at all times since that time?

A. That is right.

Q. That is the Farmers and Merchants Bank at Fourth and Main? A. Yes.

Redirect Examination

Q. (By Mr. Compton): By the way, Mr. Bryant, do you belong to any labor organization?

A. I belong to the Newsboys Union.

Q. Do you hold any office in that organization.

A. Treasurer.

Trial Examiner Kennedy: Anything further with this witness? Do you have a Social Security card?

The Witness: No, sir. [701]

Q. (By Mr. Mouritsen): Mr. Bryant, do you count out papers to other boys on that corner?

A. That is right.

Q. Do you check them in? A. Yes.

Q. You don't receive a check from the Evening Herald and Express? A. No, sir.

Q. Do you have other boys on that corner to whom you count out copies of the News?

A. That is right, yes, sir.

Q. And check them in? A. That is right.

Q. You don't receive a check from the News?

A. No, sir.

(Testimony of Ed Bryant.)

Q. Do you count out the papers to these other boys at the same price that you receive them from the Herald and Express? A. That is right.

Q. And the News? A. That is right.

Q. How many boys?

A. At present, due to the condition of the work around the corner there, there is only three.

Q. And at the present time do you receive full returns? A. Yes, sir. [702]

Trial Examiner Kennedy: Who do you work for, Mr. Bryant?

The Witness: Who do I work for?

Trial Examiner Kennedy: Yes.

The Witness: It seems to me like I work for myself. It is all commission.

Trial Examiner Kennedy: You are your own boss; is that your idea of it?

The Witness: Well, I couldn't exactly say that. I can't open my business when I like and can't close it when I like.

Trial Examiner Kennedy: You have to work specified hours; is that it?

The Witness: That is right.

Trial Examiner Kennedy: Who specifies those hours?

The Witness: Well, as a matter of fact, nobody ever has, but that has been my understanding ever since I have been selling papers, that the hours of the Herald and Express and the Evening News are from 9:00 in the morning until 7:00 in the evening.

(Testimony of Ed Bryant.)

Trial Examiner Kennedy: How did you get that understanding?

The Witness: Just from different newsboys and district men telling me that. [703]

Trial Examiner Kennedy: What district man ever told you that?

The Witness: Well, there was two or three of the Examiner told me the hours, and Joe Woods of the Herald told me what the hours were.

Trial Examiner Kennedy: That is all. Anything further?

Redirect Examination

Q. (By Mr. Compton): Mr. Bryant, isn't it a fact that what they told you was what time the editions came out, what time they hit the streets?

A. That is right.

Mr. Cosgrove: Will it be stipulated, Mr. Mouritsen that the testimony of Mr. Bryant is not intended by counsel for the Board as applying to the Times case?

Mr. Mouritsen: That will be so stipulated.

Mr. Hall: And the same stipulation for the Examiner?

Mr. Mouritsen: Yes.

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WILLIE SCHULLMAN,

called as a witness by and on behalf of the Evening

(Testimony of Willie Schullman.)

Herald and Express, having been first duly sworn, testified as follows: [704]

Mr. Hall: Mr. Mouritsen; I desire to be relieved of that stipulation just made and would like the testimony of Ed Bryant to apply to the Los Angeles Examiner's case.

Mr. Mouritsen: I will relieve you from the stipulation, Mr. Hall.

Mr. Hall: Thank you, sir.

Trial Examiner Kennedy: Your full name, please?

The Witness: Willie Schullman.

Direct Examination

Q. (By Mr. Compton): Mr. Schullman, where do you reside? A. 1114 Longwood Avenue.

Q. What is your occupation?

A. Newsboys.

Q. Where do you vend newspapers?

A. Seventh and Spring.

Q. How long have you been on that corner?

A. Fifteen years.

Q. Did you buy the corner?

A. Yes, I did.

Q. From whom did you buy it?

A. Phil Levinson.

Q. How much did you pay for the corner?

A. Well, I couldn't say, but we made a deal where he would go to college and I gave him so much a week.

Q. For the corner? [705]

(Testimony of Willie Schullman.)

A. Yes, sir.

Q. Could you give an approximation of how much that corner actually cost you?

A. Well, if you would give me about two minutes to put it together, I will.

Mr. Compton: Very well. May we have a recess, your Honor, while the witness figures it out?

Trial Examiner Kennedy: We will take a short recess.

The Witness: Well, it wouldn't take that long.

Trial Examiner Kennedy: All right, go ahead.

A. I should say about twelve hundred.

Q. (By Mr. Compton) About $1200.00?

A. Yes, sir.

Q. Mr. Schullman, do you employ other boys to assist you? A. Yes, I do.

Q. Do you employ other boys to assist you, [706] Mr. Schullman? A. Yes, I do.

Q. How many? A. Well, five.

Q. How do you pay them?

A. Well, I pay them so much a week.

Q. Straight salary?

A. Well, just depending on what they sell.

Q. You purchase your newspapers for the corner? A. I do.

Q. And you pay for them? A. I do.

Q. And then you hand these newspapers to your employees? A. That is right.

Q. And they sell them for you?

A. That is right.

(Testimony of Willie Schullman.)

Q. (By Mr. Compton) You testified that you paid the boys a commission on their sales?

A. That is right. [707]

Q. And do you make a profit on their sales?

A. Very slight.

Q. Now, the papers that you sell on that corner, —among the papers that you sell on that corner are the Herald? A. The Herald.

Q. And the News. A. The News.

Q. Do you sell any other papers?

A. Yes, a few leftovers that the Examiner and Times leave me.

Q. Do you sell the Jewish Voice?

A. No, sir.

Q. Do you sell any other newspapers at all?

A. Yes, sir, I do.

Q. What papers do you sell?

A. I sell the Legal Journal.

Q. The Daily Journal?

A. The Daily Journal, and the People's World, the Wall Street Journal, and a few magazines.

Q. What magazines do you sell?

A. I sell the Liberty, Post, Look, and Time, and Collier's.

Q. Are you a member of the Newsboys Union?

A. I am.

Q. Do you receive a check from the Los Angeles Evening Herald and Express? A. I do. [708]

Q. And as a part of your business do you also act as check man for the Evening Herald and Express? A. I do.

(Testimony of Willie Schullman.)

Q. And do you, in the pursuit of your duties as a wholesaler, do you give out papers to other boys on offspots? A. I do.

Q. And check them in? A. I do.

Q. Are these boys to whom you wholesale newspapers the same boys that you testified were employed by you? A. No, sir.

Q. They are entirely different boys?

A. Different.

Q. And you do not make any profit or commission on newsboys that you wholesale out to?

A. If I might take time I will explain just what I do there. The boys in the zone who I give out papers to, they make all their profits, like I have got a fellow that works half a day for me, sometimes he only sells 20 or 25 papers, which is only half a dollar profit, and I get my dollar. In the end I try to make things balance, even itself up.

Q. Mr. Schullman, do you sell any special editions of papers that come out during the year, for instance, the Mid-Winter Times?

A. Yes, I do. [709]

Q. Do you also sell the Mid-Winter Examiner?

A. No, sir.

Q. Do you sell Rose Bowl folders or anything like that? A. Yes, sir.

Q. You do? Do you also get a check from the News? A. I do.

Q. And do you perform wholesale duties for the News? A. I do.

(Testimony of Willie Schullman.)

Q. And in pursuance of your duties do you wholesale newspapers to other boys, offspot boys?

A. I do.

Q. Are those offspot boys the same ones that you testified were employed by you? A. No.

Q. They are different boys?

A. That is right.

Q. And you do not make any profit on the papers that you wholesale to these boys?

A. No, sir.

Q. Did you ever hold office in the Newsboys Union? A. I did.

Q. What was it? A. Treasurer. [710]

Q. (By Mr. Mouritsen) Do you get magazines from Joe Woods? A. I do.

Q. He is the District Manager of the Herald and Express? A. Not my district.

Q. He is the District Manager of the Evening Herald and Express?

A. Well, yes, sir, he is.

Q. Who is your District Manager on the Evening Herald and Express?

A. Well, right now I presume Sollie Epstein is.

Q. Why do you only presume that?

A. Because Charley Williams, who was this two weeks ago, is on a vacation, so I am just assuming that.

Q. In other words, the regular district man is on a vacation?

A. Is on a vacation, that is right.

(Testimony of Willie Schullman.)

Q. And he is replaced by another district manager? A. Sollie. That is right.

Q. Where do you check in?

A. On my corner, to the people I have just mentioned, the two persons I just mentioned, Charley Williams and Sollie.

Q. During the past year or so, Mr. Schullman, have papers on occasions been printed before nine o'clock? I refer to days such as election days.

A. Yes, I think they have.

Q. And on those days do you tell the boys to whom you [711] wholesale papers to come down early?

A. No, I don't, because my boys don't come on until after school hours, who I referred to in the previous testimony.

Q. And this wholesaling operation that you perform for the Herald and Express consists of nothing more than counting out those papers to the boys and checking them in, isn't that correct?

A. That is right.

Q. And you count the papers out to them at the same price as you receive, isn't that correct?

A. Well, except those five that I mentioned.

Q. Now, to the others to whom you count out papers you pass them out at the same price?

A. No—well, I don't quite get your question; I wish you would repeat it, please.

Q. These boys other than the five to which you have referred? A. Yes.

(Testimony of Willie Schullman.)

Q. You count out to them the papers at the same price that you receive for them?

A. That's right.

Q. On these occasions when the papers come out before nine o'clock, did you appear on your corner at the earlier hour? A. I did. [712]

Trial Examiner Kennedy: Do you have a Social Security card?

The Witness: I have.

Trial Examiner Kennedy: Do you know who is registered with that agency as your employer?

The Witness: Well, I imagine the Herald is.

Trial Examiner Kennedy: You do not know that?

The Witness: Well, I took it out on account of getting a check from the Herald, so I imagine that is what it ought to be.

Trial Examiner Kennedy: Have you had any relations with the Social Security Board with respect to the persons that you have testified to here as being your employees?

The Witness: No, I don't consider them my employees.

Trial Examiner Kennedy: You do not consider them your employees?

The Witness: Well, I don't know how you would go about it.

Trial Examiner Kennedy: I understood you to testify that you had some men working for you.

(Testimony of Willie Schullman.)

Trial Examiner Kennedy: On a commission basis?

The Witness: Yes.

Trial Examiner Kennedy: But you don't call them your employees?

The Witness: No, sir. [713]

Cross Examination

Q. (By Mr. Hall) What newspapers, printed matter, do these commission men sell?

A. What is that, sir?

Q. What newspapers or printed matter, what newspapers or magazines do the commission men sell?

A. They don't sell any magazines; they just sell the Herald and the News.

Q. And they are men that you can take on at any time and let off at any time you please, aren't they? A. What is that?

Q. They are men that you can take on any time, and let off any time you please, aren't they?

A. I don't get what you mean.

Q. All right, let's see. You can take on these men at any time that you please, can't you? You can hire them any time you please?

A. That is right. Nobody tells me——

Q. It is up to you, isn't it? [715] A. Yes.

Q. And when it comes to letting them go or firing them, it is up to you, isn't it?

A. That is right.

(Testimony of Willie Schullman.)

Mr. Compton: If the Examiner please, I have just discovered what they are talking about when they mentioned stubs, and I will be perfectly willing to stipulate that on the checks given to wholesalers there is a stub on the bottom, it is perforated, which shows for the wholesaler's records the amount paid by the Herald as Social Security tax and so on, based on the amount of the check.

Mr. Mouritsen: That is acceptable, and I won't have to call the witness back; and Mr. Binford, may I have the same stipulation with reference to checks received by this man from the News?

Mr. L. B. Binford: I am not able to offer you a stipulation at this time because there are no members of the News present. I have but slight doubt but that that is correct, and I will be glad to investigate it. [716].

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Mr. Cosgrove: May it be stipulated, Mr. Mouritsen, that the testimony of the witness, Willie Schullman, has no application to the Los Angeles Times case?

Mr. Mouritsen: That may be so stipulated. May it also be stipulated, Mr. Hall, that it has no reference to the Examiner?

Mr. Hall: I am not stipulating on that with respect to this witness, Mr. Mouritsen.

JOHN J. GALLAGHER,

called as a witness by and on behalf of the Evening Herald and Express, having been first duly sworn, testified as follows:

Direct Examination

Q. (By Mr. Compton) Where do you reside, Mr. Gallagher?

A. 172 West 43rd Street.

Q. What is your present occupation?

A. Newsboy.

Q. How long have you been in that occupation?

A. About 20 years.

Q. Where is your present location?

A. Seventh and Main. [717]

Q. How long have you been in that location?

A. 20 years.

Q. From whom did you acquire that location?

A. A fellow by the name of Harry Studd.

Q. Did you pay anything for that location?

A. Yes.

Q. How much? A. About $300.00.

Q. Do you employ any assistants, Mr. Gallagher? A. Yes.

Q. How many?

A. Well, five altogether.

Q. Five altogether? A. Yes.

Q. And how do you pay them?

A. I pay them so much a day on a commission basis.

Q. So much a day on a commission basis?

(Testimony of John J. Gallagher.)

A. Yes.

Q. You buy the papers from the newspaper, the publisher? A. Yes, sir.

Q. And then you parcel them out to your employees? A. Yes, sir.

Q. And you pay them a commission on what they earn? A. Yes.

Q. And you retain the balance of the commission for your [718] profit?

A. Very little.

Q. Very little? A. Very little.

Q. What newspapers do you handle?

A. Well, I handle the Evening Herald and Express, the Evening News, the morning Examiner and Times, the Daily News, and the Jewish Forward, and then sometimes I used to handle that paper, the Ham and Eggs.

Mr. L. B. Binford: Mr. Gallagher, when you refer to the Evening News and the Daily News, as a matter of fact that is all the News now, isn't it?

A. It is all the News, but one is the morning and one is the evening.

Q. Editions?

A. Yes—well, the Morning News and the Evening News. It is the same paper but two different editions.

Q. It is all one name now, isn't it?

A. Yes.

Q. (By Mr. Compton) Do you sell any maga-

(Testimony of John J. Gallagher.)

Q. What magazines?

A. Liberty, Collier's, Time and Look.

Q. Do you sell any mid-winter editions of the paper? A. Yes. [719]

Q. From whom do you purchase the magazines?

A. Well, I get my Collier's and Time from the L. A. News Company. I get my Libertys from Joe Woods.

Q. Do you receive any check or compensation from the Evening Herald and Express?

A. Nothing at all from anybody.

Q. You don't receive any check or compensation from the News? A. No, sir.

Q. What was the name of the man you said you bought the corner from?

A. Harry Studd.

Q. And had he owned and occupied the corner before you? A. Yes, sir.

Cross Examination

Q. (By Mr. Mouritsen) These copies of the Times which you handle, are those just a few copies that are left there from the morning boys?

A. Yes. I take about ten of each.

Q. That is, ten of the Times and Examiner and the morning editions or earlier editions of the News? A. Yes.

Q. And about how many Heralds, copies of the Herald and Express, do you sell a day? [720]

A. Well, I judge about 300.

Q. And how many copies of the News?

(Testimony of John J. Gallagher.)

A. About 200, 240.

Q. How many magazines do you sell a week?

A. About 75 Libertys, 25 Collier's, and 50 Posts.

Q. And these other—I think you said the Jewish Forward, about how many copies of that?

A. I think about 25 a day.

Q. Do you recall the name of your Express district man at the time when you took over the corner first?

A. Well, I think it is the same guy, this Charley Williams. I think he was the district manager on the district at that time.

Q. And did he say that it was all right for you to handle papers there? A. Yes, sir.

Q. Did he say that before you acquired the corner?

A. Well, before I acquired the corner, see, I worked for Harry Studd, who had it, for the Evening Express. This fellow first used to work on it, too. So I asked Davey Bell and he said it would be all right for me to be there.

Q. That is the same David Bell who is still connected with it? A. Yes. [721]

Q. What hours are you on that corner?

A. 9:30 to 7:00. I generally knock off about 6:00 o'clock, and by the time I fool around and check up and put stuff away it is 7:00 o'clock before I get away.

Q. What do you mean when you check out? Is that checking in to the district man?

(Testimony of John J. Gallagher.)

A. Well, I get my papers all together and put them away and everything like that.

Q. And when do you check in to the district manager, if you do?

A. Every morning about 10:00.

Q. And where do you check in?

A. Seventh and Main.

Q. Has the district manager of the Evening Herald and Express ever told you you would have to get rid of any of these boys that you say work for you? A. No, sir. [722]

Q. Well, has the district manager ever said anything to you about putting some of these boys on to keep the spots covered? A. No, sir.

Q. Has the number varied at all in the last three years, or have you had five boys all during that period? Have you had five boys for the 20 years you have been on the spot?

A. Not the same boys. I did have five boys all the time.

Q. Are you a member of the Newsboys Union?

A. No, sir.

Redirect Examination

Q. (By Mr. Compton) Mr. Gallagher, I was not sure, but I understood you to state on examination by Mr. Mouritsen—did you state that you were employed by the Evening Herald and the News?

A. No, sir.

Q. You are not employed by the Evening Herald and News? A. No, sir.

(Testimony of John J. Gallagher.)

Q. You do not get any check or compensation from either the Evening Herald and Express or the News? A. No, sir.

Recross Examination

Q. (By Mr. Mouritsen) Are there any other boys than these five that come to you for papers? [723] A. No, sir.

Q. You are permitted full returns?

A. Yes, sir.

Q. In the early part of 1937 were you permitted to return unsold copies?

A. I always was.

Q. You always have been? A. Yes, sir.

Q. When do you return the unsold copies of the papers?

A. Every morning about 10:00 o'clock, when I check in with Charley Williams.

Mr. Cosgrove: Will it be stipulated, Mr. Mouritsen, that the testimony of John J. Gallagher is not intended to apply to the Los Angeles Times case.

Mr. Mouritsen: It may be so stipulated. [724]

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## MILTON NEWMAN

called as a witness on behalf of the respondent the Evening Herald and Express, being first duly sworn, was examined and testified as follows:

(Testimony of Milton Newman.)

Direct Examination

Q. (By Mr. Compton) Where do you reside?

A. 808 Winthrop Drive, in Alhambra.

Q. What is your present occupation?

A. Selling newspapers.

Q. How long have you been in that occupation?

A. Well, since I have been seven years old—about thirty years—I mean about twenty-five years.

Q. Where is your present location?

A. Fifth and Olive, opposite the Biltmore Hotel.

Q. How long have you been in that location?

A. Fourteen years.

Q. From whom did you acquire your corner?

A. Mike Axelrod.

Q. Did you pay anything for it?

A. Yes, sir.

Q. What was the amount of the purchase price?

A. It varied at times. Sometimes I gave him $125 and sometimes about—and then I loaned him some money and he called it square—about $250.

Q. The total purchase price was about $250?

[725] A. That is right.

Q. What newspapers do you vend on that corner?

A. Herald and Express, News, morning papers.

Q. Do you have any of the Jewish language newspapers there? A. No, sir.

Q. Do you sell any magazine?

A. Yes, sir.

Q. What magazine?

(Testimony of Milton Newman.)

A. Liberty, Colliers, Post, Time, and Look magazine.

Q. From whom do you acquire your magazines?

A. Liberty and Colliers—Liberty and Post from Joe Woods, and the Colliers, Time and Look magazine from the L. A. News.

Q. Do you employ any assistants, Mr. Newman?

A. Three boys after school.

Q. How do you pay them?

A. Salary and commission.

Q. Salary and commission?

A. That is right.

Q. Do you receive any check or compensation?

A. No, sir.

Q. From the Los Angeles Evening Herald and Express? A. No, sir.

Q. Do you receive any check or compensation from the News? A. No, sir.

Q. When do you appear on the corner in the morning? [726] A. 9:30.

Q. Do you stay on the corner all day?

A. No, sir.

Q. Do your employees stay on the corner when you are not there?

A. No. They don't come down until after school.

Q. You go and come as you please?

A. That is right.

Mr. Compton: I think that is all. Thank you, Mr. Newman.

Mr. L. B. Binford: Mr. Mouritsen, will it be

(Testimony of Milton Newman.)

stipulated that the L. A. News, to which the witness made reference, is not intended to mean the News, one of the parties to this action?

Mr. Mouritsen: Yes, that will be so stipulated.

Mr. L. B. Binford: And that a previous witness who referred to the same institution, to the L. A. News, that that is not intended to mean the News, the party to this action?

Mr. Mouritsen: That is correct. Wherever reference has been made to the source——

Mr. L. B. Binford: ——of supply of magazines.

Mr. Mouritsen: Yes.

Cross Examination

Q. (By Mr. Mouritsen) Mr. Newman, do you pay any Social Security on these boys that you term your employees? [727] A. No, sir.

Q. Do you pay any Workman's Compensation on them? A. No, sir.

Q. Who is the District Manager for the Evening Herald and Express?

A. Mr. Epstein.

Q. Is that Sollie?

A. That is right.

Q. Who brings you the papers?

A. Truck.

Q. The Evening Herald and Express truck?

A. That is right.

Q. How do you obtain the News, copies of the News, yourself?

A. From Martinez, who delivers them to the corner.

(Testimony of Milton Newman.)

Q. How late do you stay on the corner?

A. Seven o'clock, sir.

Q. When do you check in?

A. That evening.

Q. About what time?

A. 6:30, quarter to 7:00, 7:00 o'clock—between 6:30 and 7:00 o'clock.

Q. Do you check in before 7:00? [728]

A. Yes, sir.

Q. And you still remain there until 7:00?

A. Yes, sir.

Q. These magazines that you sell, how do you have them displayed? Just laid down, or what?

A. That is right. I have a little rack there on the corner and I put it next to the pole, and I put these magazines in the little rack, and my—that's right; just wherever these little racks are, I have my papers on the ground right next to them.

Q. And you don't carry those around in your arms as you do the Evening Herald and Express?

A. No, sir.

Q. Or the News? A. That is right, sir.

Q. And what is the customary manner for you to display the Herald and Express and the News?

A. Meaning what? I don't understand that.

Q. In what manner do you display them?

A. You mean hold them out?

Q. Yes, hold them out.

A. Well, the News down below and the Herald up above. I only have two hands and that is the only way I can do it, hold my papers in my hands.

(Testimony of Milton Newman.)

Q. In other words, you give them an even break? [729] A. That is right—try to.

Q. Did you attend a meeting in Mr. Harrison's office prior to the time when you started to handle the News in addition to the Herald and Express?

A. No, sir.

Q. How long have you been on this corner?

A. Fourteen years.

Q. Well, were you operating on this corner when Mr.—when you started to handle the News?

A. No. It was a separate paper then.

Q. Well, you now handle them both?

A. That is right.

Q. During the period while you have been on this corner, there has been a time when you have not handled them both? A. That is right.

Q. Now, about when did you start handling both of them?

A. [730] That was about two months before they consolidated.

Mr. Compton: If the Examiner please, I have a very strong feeling that this witness is confused by reason of the fact I think from the use of the term "consolidation," the witness is referring to the purchase by the Evening Herald and Express of the Old Los Angeles News, or of the old Los Angeles Express. Do you understand that what he is talking about is the sale of the present News, Mr. Newman?

The Witness: I understood that the News is a separate paper.

(Testimony of Milton Newman.)

Mr. Compton: That is right.

Trial Examiner Kennedy: Well, let's clear it up. What consolidation are you talking about, Mr. Newman? [731]

The Witness: Well, when we started handling both papers, the Herald and Express and the News.

Trial Examiner Kennedy: As they are now set up?

The Witness: Yes, as they are now selling.

Mr. Compton: That is right.

Q. (By Mr. Mouritsen) Now, when did you start handling both papers together?

A. Oh, I can't tell you offhand exactly, the exact date.

Q. I don't want that. Just the approximate—the year. Let's start out with the year.

A. Well, about two years ago, approximately.

Q. Now, from whom did you find out that you were going to handle both papers? Now, just the name. Who was it?

A. No special name. They just came there——

Q. Well, wait a minute. I want to find out from whom you first ascertained you were going to handle both papers, the name of the man.

A. Bill Axelrod.

Q. Do you have any dealings with Bill Axelrod during the course of your operations of selling for the Evening Herald and Express and the News?

A. Yes, I do.

Q. What is that connection?

(Testimony of Milton Newman.)

A. I pay him in the evening for the papers. I check in to him. [732]

Q. Oh, you don't check in to the district man?

A. No.

Q. I see. Do you receive any copies of the editions of the papers from Bill Axelrod?

A. As they drop them off, why, we all have our own orders and we go after them at Fifth and Hill. I have to walk down to Hill Street because I am at Fifth and Olive and the papers are all dropped at Fifth and Hill.

Q. Have you ever attempted to secure a delivery of the papers at your spot rather than——

A. No, sir.

Q. Now, about when did you talk with Bill Axelrod about the fact that you were to handle both the News and the Evening Herald and Express.

A. I didn't speak to him about handling them. He just told me that they were going to give both papers to the boy on the corner.

Q. I see. And——

A. With no special reference to when we were going to have them or anything about it. I had been handling them two months before due to the fact that they couldn't keep a man on the corner there.

Q. You mean due to the fact that the News couldn't keep a man on your spot?

A. There was no one to handle the papers there. [733]

(Testimony of Milton Newman.)

Q. Well; now, with whom did you make the arrangements two months before that time to handle both papers?

A. Bill Barrel—Barrel or Barrett—from the News.

Q. At the present time, Mr. Newman, are you permitted to return all unsold copies of the Evening Herald and Express?

A. I have been, yes.

Q. You are now? A. Yes, sir.

Q. And has that always been the case in the past? A. Yes, sir.

Q. Even before the consolidation—or, strike that.

Even before you started to handle both the News and the Evening Herald and Express?

A. Yes, sir.

Q. There has been no time during the past five years when you have not been permitted to return all unsold copies of the Evening Herald and Express? A. No, sir.

Q. To whom do you check in these unsold copies of the Evening Herald and Express at present?

A. When we come down—Bill Axelrod. I bring them down and he throws them on the truck.

Q. You check those in to Bill Axelrod?

A. Yes.

Q. And have you done that for the past five years? [734] A. No.

Q. To whom did you return the unsold copies before? A. To Seventh and Hill.

(Testimony of Milton Newman.)

Q. And when did you do that, during what period? A. The next morning.

Q. How long have you been checking these unsold copies in to Bill Axelrod?

A. About a year and a half or two years.

Q. All right. Now, prior to that time where did you check them in?

A. Seventh and Hill.

Q. To whom? A. Sollie Epstein [735]

Q. (By Mr. Mouritsen) Now, where are these three boys situated to whom you supply papers?

A. One is on my corner.

Q. Which corner is that?

A. Fifth and Olive.

Q. Which corner is it on the intersection?

A. Northeast.

Q. Northeast? A. That is right.

Q. Where are the other two?

A. One is on the north—I mean southwest, and one is in front of the Biltmore Hotel.

Q. And that is on the south——

A. Southwest side of the street.

Q. Southwest. Now, when did you obtain that spot, the Biltmore corner spot, southwest corner of Fifth and Olive?

A. When I first went to work up there.

Q. At any time in the past was that corner, namely, the Biltmore Hotel corner——

A. (Interrupting) That's right.

Q. (Continuing) ——southwest, handled by—

(Testimony of Milton Newman.)

handled through Bill Axelrod? A. Yes, sir.

Q. When was that?

A. Three and a half years ago. [736]

Q. And for how long was it handled through Bill Axelrod? A. About a year and a half.

Q. How did you obtain that corner again after it was taken over and handled through Bill Axelrod?

A. Bill Axelrod asked me to buy the corner and I refused to buy it, being as it was mine originally. I went to the office——

Q. (Interrupting) Whom did you see in the office? A. Mr. Bell.

Q. Davey Bell?

A. That is right. And Mr. Harrison. And he asked the circumstances of it——

Q. (Interrupting) Now, can we fix the time of that? About what time?

A. I don't understand.

Q. The date. Approximate date, month or year.

A. No, I haven't any idea when it was.

Q. Was it during 1938?

A. About 193—just before 1938.

Q. Was it about the time when the price of the Evening Herald and Express was raised?

A. It was before that.

Q. How long before that?

A. A year—no. Four months before that.

Q. And if I tell you that the date of that price raise was November 1, 1937, then would the time be about four months [737] before that?

(Testimony of Milton Newman.)

A. Yes, sir. I made a mistake on the time limit of when the paper went up to a nickel. It appears to me it was just two years ago.

Q. You had this conversation with Mr. Bell and Mr. Harrison at the Examiner office?

A. Herald.

Q. At the Herald office? A. Yes, sir.

Q. Was anyone else present?

A. No, sir.

Q. Just you three? A. That is right.

Q. Now, will you state what you said and what Mr. Bell and what Mr. Harrison said?

A. Well, the corner was originally mine——

Q. (Interrupting) No. Now, I am just——

A. (Interrupting) I am trying to tell you what happened, what I said.

Q. All right.

A. The corner was originally mine. Through some manipulation, why, I had lost it and I don't realize now how I lost it, and Mr. Axelrod came to me with a proposition, because he couldn't keep a man there, that he would sell me the corner. I told him that it was originally mine and I didn't [738] want to buy it back for something that I originally had. I went to the office and explained my case to them and they told me that they would speak to William Axelrod and the corner was reverted back to me.

Q. Given back to you by Mr. Bell and Mr. Harrison?

(Testimony of Milton Newman.)

A. No. It was reverted back to me.

Q. Well, what do you mean by that? It happened as a result of this conversation you had with Bell and Harrison, didn't it?

A. I believe so.

Q. Now, you say you obtained that corner originally. You obtained that from Mike——

A. (Interrupting) Axelrod.

Q. ——Axelrod. And then you lost it, is that it?

A. That is right.

Q. How were you notified that you could no longer operate on that Biltmore Hotel corner?

A. By William Axelrod.

Q. Was he the only person who told you you couldn't——

A. (Interrupting) That's right.

Q. Did you speak to Mr. Bell or Mr. Harrison at that time? A. Yes, sir.

Q. Where did you have the conversation with them? A. In the circulation room.

Q. Of the Evening Herald and Express?

A. That is right. [739]

Q. Who were present other than yourself and those other two men? A. I don't remember.

Q. Now, how long were you off the, or how long did you not handle the papers on that Biltmore Hotel corner?

A. I had the Biltmore Hotel after three o'clock and——

Q. (Interrupting) Just a minute.

(Testimony of Milton Newman.)

A. I will lead up to that in just a minute. The corner was mine originally and they had taken the corner away, but they did not take the Biltmore entrance away, which my brother was selling papers there.

Q. Who do you mean by "they"?

A. William Axelrod. He put a man up there and I asked him why, and he said, "Well, I am just putting him there."

Q. Now let's get the conversation that you had with Mr. Bell and Mr. Harrison regarding that.

A. Well, I went up there and spoke to them about that, and they said, "Well, Mr. Bell is running the corners there and we have no authority there," at that time. They says, "He has a man he wants to put up there that really needs it very badly," and they told him to use his own judgment.

Q. And then later you got the corner back? [740]

The Witness: Yes, sir.

Q. Are you a member of the Newsboys Union at present?

The Witness: No, sir.

Redirect Examination

Q. (By Mr. Compton) Were you formerly a member of the Newsboys Union?

A. Yes, sir.

Q. And did you voluntarily sever your connection with that union? A. Yes, sir. [741]

Mr. Cosgrove: May it be stipulated, Mr. Mouritsen, that the testimony of the witness, Milton Newman, has no application to the Los Angeles Times case?

Mr. Mouritsen: It may be so stipulated.

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JOE WOODS,

recalled as a witness on behalf of the respondent the Evening Herald and Express, being previously duly sworn, resumed the stand and testified further as follows:

Direct Examination

Q. (By Mr. Compton) Mr. Woods, you have previously testified that you true name is——

A. (Interrupting) Sam Epstein.

Q. (Continuing) ——Sam Epstein?

A. Yes, sir.

Q. Now, Mr. Woods, there has been some testimony in the record that you sell and distribute certain magazines. A. Yes, sir.

Q. By the way, you have been on the stand before, haven't you, in this matter? A. Yes.

Q. And you testified that at present you are employed as a [742] district man for the Los Angeles Evening Herald and Express?

A. Yes, sir.

Q. How long have you been selling and distributing magazines, Mr. Woods?

A. Since 1924, when the Liberty first come out.

Q. At that time did you have any other occupation?

(Testimony of Joe Woods.)

A. I was district man on the Record.

Q. That is the old Los Angeles Record?

A. The old Los Angeles Record that is now the Evening News.

Mr. L. B. Binford: Evening News or the News?

The Witness: The News.

Q. (By Mr. Compton) Will you please state the circumstances, that is, how it was that you first started selling magazines?

Mr. Mouritsen: Mr. Examiner, I object to this on the ground that it is incompetent, irrelevant and immaterial.

Mr. Compton: If the Examiner please, it has very great competency, relevancy and materiality. The Examiner has seen fit to load the record with testimony concerning the delivery of two magazines to these newsboys, and the fact that Mr. Woods is presently—I beg your pardon—Mr. Mouritsen has seen fit to bring into the record much testimony concerning magazines sold by these newsboys which were distributed by Mr. Woods.

We propose to show—and he apparently is attempting to connect such sale and delivery with the Los Angeles Evening [743] Herald and Express. We propose to show that Mr. Woods has been in this business since 1924. I have forgotten, but I think that was eight or nine years previous to his connection with the Evening Herald and Express. I think it perfectly proper to show that not only has he been in that business, but that he has carried it on

(Testimony of Joe Woods.)

separately and independently from his employment with the Record and thereafter with the Los Angeles Evening Herald and Express, and that he is still carrying it on independently, as an independent occupation, and that the money he derives therefrom is his own; that he himself employs newsboys and owns a truck or automobile to distribute them, and so on.

In other words, those are, I think, facts all relevant and material to show that in the sale of these magazines it has no connection with his duties as district man for the Los Angeles Evening Herald and Express.

Trial Examiner Kennedy: Well, are those facts in dispute? Is it possible to get a stipulation on them? I think they are relevant. I am just wondering if there is any dispute about them.

The Witness: Mr. Mouritsen, I don't only deliver the magazine, just the Herald and Express to the newsboys; I have got a lot of boys that handle the Examiner at night time and also a lot of boys that sell the Times at night time that don't have anything to do with the Herald and Express. [744]

Mr. Mouritsen: Well, of course I am concerned only that that appear. With reference to the Evening Herald and Express I have no doubt that those are the facts.

Mr. Compton: I think it proper that these facts that Mr. Woods has just testified appear as a part of that stipulation; and the further fact that the sales of magazines in Hollywood under the same cir-

(Testimony of Joe Woods.)

cumstances, which is not the district which he covers as district man."

Mr. Mouritsen: I understand those facts to be so, and I also stipulate, providing Mr. Compton will stipulate to the facts that I outline.

Mr. Compton: I believe I so stated, that I will so stipulate to these other facts.

Trial Examiner Kennedy: That stipulation is accepted.

Mr. Compton: And one more addition to it.

Q. (By Mr. Compton) Mr. Woods, you also sell some news stands, don't you? A. Yes.

Mr. Compton: Mr. Mouritsen, I am not sure whether this was covered, but if it is not I would like to state for the purposes of the record, and for the purpose of the stipulation, that the Los Angeles Evening Herald and Express Department of Hearst Publications, Inc., derives no profit or benefit directly or indirectly from Mr. Woods' separate independent magazine activities; that they are carried on, however, with [745] the knowledge and acquiescence of Mr. Harrison, the circulation manager, and that the only restriction on such activities is that they shall not interfere with his activities as district man for the Los Angeles Evening Herald and Express.

Mr. Mouritsen: I will be willing to so stipulate.

Mr. Cosgrove: May it be stipulated that the stipulation just entered into has no application to the Los Angeles Times case?

Mr. Mouritsen: That may be so stipulated.

(Testimony of Joe Woods.)

Q. (By Mr. Compton) Mr. Woods, there was a witness named Sid Faber who testified during the proceeding held on Wednesday, June the 12th, 1940——

A. (Interrupting) June the 29th.

Q. Wednesday, June 12th, 1940.

A. June the 12th—oh, pardon me.

Q. This testimony appears in part in the reporters' transcript of testimony and proceedings, Volume 3, at page 308. Mr. Faber testified in part as follows:

"Q. Now, have you recently had a conversation with Joe Woods regarding a relief man for your spot? [746] A. Yes.

"Q. And approximately when did you have such a conversation?

"A. Well, the day before Decoration Day Joe Woods came down to my corner——

"Q. (Interrupting) Well, what year?

"A. June, 1940—the day before Decoration Day.

"Q. This year? A. Yes.

"Q. Where did you have such a conversation with Joe Woods? A. On my corner.

"Q. And was anyone else present who took part in this conversation? A. No, sir.

"Q. Will you please state what Joe Woods said to you and what you said to Joe Woods?

"A. Well, he said, who am I going to have to work my corner Decoration day, and I said, 'I am going to have my relief man,' and he said he didn't

(Testimony of Joe Woods.)

want that; I was to put the other fellow across the street to work there.

"Q. And did you put the fellow designated by Joe Woods to work as your relief?

"A. Well, Joe Woods went over to him and I guess he told him.

"Q. In any event, did the man whom you had selected as your relief cover the spot or take care of it? [747] A. No, sir."

Mr. Woods, do you recall whether such a conversation, or approximately such a conversation, took place at the place and at the time stated by Mr. Faber? A. I do.

Q. Was there such an approximate conversation?

A. There was.

Q. Will you state to the best of your recollection what that conversation was; that is, what you said to Mr. Faber and what Mr. Faber said to you?

A. Well, I went by there and I asked Sidney if he was going to sell papers tomorrow——

Q. (Interrupting) That is, by "tomorrow" you mean Decoration Day?

A. That is Decoration Day. He said, "No, I am going to have my relief man there." I said, "Who is your relief man?" He said, "That little old man," and I says——

Q. (Interrupting) Just a moment. In saying "that little old man" did you say he designated or point out any particular person?

A. No. The fellow was not there, but I knew—

(Testimony of Joe Woods.)

I said, "Do you mean that little old fellow that relieves you while you go to lunch?" He said, "Yes." I said, "That won't be right to have a fellow like that sell papers on your corner being tomorrow is Decoration Day, and we have the big races, [748] and the opening of Hollywood Park for the horse races, and," I said, "I wish you would put a fellow here that would give me a little more representation. He is an old man and he may run across the street and be hit by a machine, and," I said, "I don't know him well enough that I could trust him with a lot of money for my papers."

He said, "Who do you think you want to put there?" I said, "That's up to you." I said, "What's the matter with Red, over here? He is not doing anything. Why don't you let him sell papers on your corner?"

He said, "That's all right." So I went over there and I asked Red, "Are you willing to sell papers for Sidney over there?" and he said, "Yes." That's all that took place.

Q. (By Mr. Compton) What was the name of this off spot corner man?

A. The off spot—Barrett, I believe his name was.

Q. Barrett? A. Yes, sir.

Q. Wasn't he the Mr. Barrett who testified yesterday, or the day before yesterday, in this proceeding? A. I believe he was.

Q. And did Mr. Barrett cover that corner on Decoration Day? [749] A. He did.

(Testimony of Joe Woods.)

Q. And that was a wholesaler's spot, wasn't it?

A. Well, it is a—you can't very well say a wholesaler's spot. All the boys come there and get their papers, but it makes it——

Mr. Mouritsen (Interrupting): Will you continue, Mr. Woods? Have you completed your answer?

The Witness: Well, I just drop the papers there, that's all. The boys come over there and get their own papers the same as they do on the News.

Q. (By Mr. Compton) There is no paid Wholesaler on that corner, is there?

A. No, sir.

Q. That was the only day that Mr. Barrett worked there? A. Yes, sir.

Q. And normally Mr. Barrett works on the opposite corner, doesn't he? A. Yes, sir.

Q. Mr. Woods, there was some testimony introduced into this record by one Mr. Gish—one Harry Thomas Gish, who testified in these proceedings on Wednesday, June 12, 1940, and his testimony appears in the reporter's transcript of testimony and proceedings, at Volume 3, commencing at Page 365, reading on Page 366, I will read you the testimony of Mr. Gish:

"Q. During the year 1937 did you sell the Evening Herald and [750] Express? A. Yes.

"Q. At what spot, if any?

"A. Well, in front of the Grand Central Market at Third and Broadway.

(Testimony of Joe Woods.)

"Q. And who was your district man?

"A. Why, Joe Woods.

"Q. Now, were you ever removed from that spot by Joe Woods? A. Yes.

"Q. And when did that occur?

"A. I would say that was sometime before Christmas in 1937.

"Q. Now, will you tell us just what occurred with reference to your removal from that spot?

"A. Well, when I came to work on one Monday morning I was asked by the man on the main corner if I had been told anything the week before and I told him no, and he said, 'Well, there is a man in your place and Joe Woods said for you to come and see him at Third and Hill'; and I went to see Joe. So he said he had——

"Q. Now, you saw him at Third and Hill?

"A. Yes.

"Q. And approximately what was the date of that conversation?

"A. Well, I wouldn't be able to recall just the exact date, but it was sometime before Christmas in 1937. It could possibly have been two months before or maybe a little less or a [751] little more. I couldn't state just definitely.

"Q. And was anyone else present at that time?

"A. When I talked to Joe Woods?

"Q. That is right.

"A. Well, there was a man on the corner, yes, but he wasn't paying any attention to what we were talking about.

(Testimony of Joe Woods.)

"Q. What did Joe Woods say to you and what did you say to Joe Woods?

"A. I asked him what was the matter. He said, 'Well, I have had a lot of complaints against you.' That is what he told me, and he said, 'I will try and get you back on the corner.' That is what he told me. And he said, 'Come around and see me again,' and I went whenever he told me, whenever it was; in fact, I went three or four times and he promised me the same thing every time but he never did put me back."

Reading from the cross examination on Page 367 further:

"Q. In this conversation you had with Mr. Woods, or any of the conversations concerning which you have testified, did Mr. Woods tell you the nature of the complaints he had?

"A. Well, he said something or other to the effect that I had on a dirty shirt.

"Q. Is that all the complaints?

"A. That is all he ever told me."

Mr. Woods, did you have any conversation at all with Mr. Gish at or about the time he testified to? [752] A. Yes, sir.

Q. Where were the conversations had?

A. In front of the Grand Central Market on Broadway between Third and Fourth.

Q. Do you know how many such conversations you had with him? A. Two.

Q. Can you tell us approximately the time of the first conversation?

(Testimony of Joe Woods.)

A. Well, it was on a Monday morning when I come back to work from my vacation, and I was walking around the district there, and I——

Q. (Interrupting) Did you talk to him on that day? A. Yes.

Q. Do you recall about the date of your return from your vacation?

A. It was about the middle of December, 1937.

Q. 1937? A. Yes.

Q. And did you have a conversation with Mr. Gish at that time?

A. Well, when I saw Mr. Gish was selling papers——

Q. (Interrupting) Just answer the question, Mr. Woods. Did you have a conversation with Mr. Gish at that time? A. Yes, sir.

Q. And that conversation was where? [753]

A. In front of the Grand Central Market on Broadway between Third and Fourth.

Q. And who was present at that conversation?

A. Nobody.

Q. Well, that is, nobody other than you and Mr. Gish? A. That is all.

Q. What did you say to Mr. Gish and what did he say to you?

A. Well, I come back to work on the Herald and I was standing on Third and Hill and a man come up——

Q. (Interrupting) Wait a minute. All you have to say is what you said to Mr. Gish and what he said to you.

(Testimony of Joe Woods.)

A. I asked him, "Harry," I says, "who gave you the papers to sell over here?" "Well," he said, "the old man left," and he said, "I just went ahead and thought it would be all right, nobody was covering the spot, so I thought it would be all right to sell the papers here." I said, "Well, I had a very bad complaint about you," I said, "my first day coming back," and he said, "What was that?". And I said, "The manager from the market came up to me at Third and Hill and he said the fellow you have selling papers over in front of the market has a very bad body odor and is not very clean and people have been complaining to me"; and I said, "That couldn't be the old man that has been selling the papers there for quite a number of years." And so I walked down there in front of the market and that is when I saw Mr. Gish there. [754]

Q. Now, Mr. Woods, did you repeat what you have just said about these complaints to Mr. Gish? Did you tell Mr. Gish about the complaints?

A. I did.

Q. And what else did you say to him?

A. Well, I told him that he would have to clean himself up a little bit in order to sell papers down there, that the people were complaining, that I would help him out and bring him down a shirt and some socks. He couldn't wear any of my shoes, and I gave him a quarter to go and get himself cleaned up, and he promised he would do it.

Q. (By Mr. Compton) Did you actually give Mr. Gish some shirts and other wearing apparel?

(Testimony of Joe Woods.)

A. I did.

Q. Now, did you have any further conversations with Mr. Gish? A. I did not.

Q. Well, did you ever have any conversations with him after that? [755]

A. I did not, outside of seeing him on the corner of Sixth and Spring, just talked to him, not about any corner or any business.

Q. He testified as to a conversation he had with you when some other man was put on the corner. Did you have such a conversation with him?

A. No, sir.

Q. I want to recall to your recollection, Mr. Woods, that you said you had two conversations with Mr. Gish. You have testified to one.

A. Well, that was the conversation the next day. I didn't have any conversation with him at Third and Hill.

Q. You never had any conversation with him at Third and Hill?

A. No. When I brought the clothes down to him the next day I asked him if he wouldn't please clean himself up as there had been two complaints that same day.

Q. Now, we have covered that. Now, sometime later didn't you have another conversation with Mr. Gish? A. Yes.

Q. About what time was that?

A. Well, that was about a week afterwards.

Q. And where was the conversation?

(Testimony of Joe Woods.)

The Witness (Interrupting): The conversation was on [756] Third and Broadway.

Q. Who was present at that conversation?

A. Why, there was nobody present.

Q. Except you and Mr. Gish?

A. Yes, sir.

Q. And what did you say to Mr. Gish? [757]

A. The manager from the Homer Laughlin Building called me up at the Herald and Express and he said, "I thought you were going to remove that fellow from that corner"; and I said, "Well," I said, "the fellow is all right now." I said, "I think he has cleaned himself up a little bit." He said, "He has not." I said, "Well, pardon me, but I will go down there and I will see." So I went down there.

Q. Now, wait a minute. You are relating a conversation. Did you repeat all this to Mr. Gish?

A. I did.

Q. Now, you are talking to Mr. Gish now?

A. Yes.

Q. What else did you say to Mr. Gish?

A. I said to Mr. Gish, I said, "Harry, two days ago I have given you some clothes," and I said, "What did you do with them?" He said, "Oh, I have got them up there somewhere," and I said, "Well, people are complaining there for the last three days of your condition," and I said, "The people in the market there, in the meat market, Mr. Reeden, has personally come up to me at Third and

(Testimony of Joe Woods.)

Hill and told me if I do not re- [758] move that fellow, quit giving him any papers down there, that he was going to take it up with the health authorities," and I told that to Mr. Gish.

Q. And did you tell Mr. Gish that you would have to put somebody else on that spot?

A. No, I just told him I would have to quit giving him my papers to sell down there, that he couldn't handle my papers on account of people were complaining and I couldn't stand for any complaints of that kind.

Q. And did you actually sell your papers to another vendor at that particular location?

A. I did.

Q. Mr. Woods, are you a member of any labor organization?

A. Yes, the Newspaper Guild of the C. I. O.

Cross Examination

Q. (By Mr. Mouritsen) Mr. Woods, you have testified that Mike Barrett sold on Sid Faber's corner on Decoration Day, is that correct?

A. Yes.

Q. Who sold on Mike Barrett's corner? [759]

A. Nobody.

Q. That was a busy day, while people were going to the races and things like that?

A. Well, it wasn't so busy you would have to have two hustlers down there; but, Mr. Mouritsen, there is quite a few papers sold——

(Testimony of Joe Woods.)

Cross Examination

Q. (By Mr. Hall): Mr. Woods, I have understood that you sold magazines to boys and men that sold the Los Angeles Examiner?

A. At night-time, yes, sir.

Q. Would that be within the city of Los Angeles? A. Yes, sir.

Q. Any particular area in the city?

A. No particular area.

Q. And those people that sell the Examiner, that you referred to, are people that have established spots or corners? A. Yes, sir.

Q. And you don't sell magazines to bootjackers or temporary or casual newsboys, do you?

A. No, sir. [760]

Q. (By Mr. Hall): Do you or do you not sell your magazines to newsboys who carry simply and solely the Sunday editions of the Examiner?

A. No, I do not.

Q. This sale of magazines is a business that you conduct yourself and has no reference to the Hearst Publications, Inc., does it?

A. No, it has nothing to do with that whatsoever. [761]

Q. (By Mr. Hall): In general how many are there of these newsboys at established spots and corners within the city of Los Angeles handling the Los Angeles Examiner that you sell magazines to? [762]

(Testimony of Joe Woods.)

The Witness: I supply about fifteen or twenty boys.

Q. (By Mr. Hall): That sell the Los Angeles Examiner? A. Yes, and Times.

Q. And that has been true, has it, for the last two years or so?

A. Oh, longer than that.

Q. (By Trial Examiner Kennedy): Are you an employer of any of these vendors?

A. No.

Mr. Hall: I would like to have that question read.

(The question referred to was read by the reporter, as set forth above.)

Q. (By Trial Examiner Kennedy): Do you have anybody working for you at all?

A. Yes.

Q. Who do you have working for you?

A. I have two fellows. [763]

Q. What do they do?

A. They deliver my magazines for me.

Q. They are the only employees you have?

A. Yes, sir.

Q. Have you so registered them with the Social Security Board?

A. Yes, paid Social Security ever since the Social Security law has been in effect.

Q. And that is the only two people you do register with the Social Security Board?

A. Yes, sir.

(Testimony of Joe Woods.)

Q. (By Mr. Hall): These magazines that you sell to the newsboys handling the Los Angeles Examiner, you sell to them at wholesale and they in turn sell them to the public at retail; is that correct? A. Yes, sir.

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Mr. Cosgrove: Will it be stipulated, Mr. Mouritsen, that the testimony given by the witness Joe Woods today has no application to the Los Angeles Times case? [764]

Mr. Mouritsen: So stipulated.

## SOLLY EPSTEIN

called as a witness by and on behalf of the respondent, the Los Angeles Evening Herald and Express, and having been first duly sworn, was examined and testified as follows:

### Direct Examination

Q. (By Mr. Compton): Where do you live, Mr. Epstein? A. 1254 West 60th.

Q. And what is your occupation?

A. District manager.

Q. For whom?

A. For the L. A. Herald and Express.

Q. What district do you cover for the Los Angeles Evening Herald and Express?

A. From Eighth to Sixth on Hill, Olive and Grand, and then [765] I have a recover territory of all the downtown area.

(Testimony of Solly Epstein.)

Q. What do you mean by a re-covery?

A. If papers are going good, why, I have to re-cover to supply the boys with more papers.

Q. Mr. Epstein, there was testimony introduced in this record, the testimony of one Harry Relis, who testified in these proceedings on Wednesday, June 12, 1940, his testimony in part commencing on page 327 of Volume 3 of the reporter's transcript of testimony and proceedings, as follows, at Line 25:

> "Q. Now, about when did Sol Epstein ever say anything to you about your being off the corner?
>
> "A. Well, approximately a year ago he met me and——
>
> "Q. (Interrupting): Met you where?
>
> "A. On Fifth and Hill. And he says to me, he says, 'What are you doing here?' and I said, 'Well, it is about one o'clock. I was supposed to be at lunch hour,' and he said, 'Don't you know you have to be on the corner?' and I says, 'I don't know; I have to have my lunch,' and I said, 'I see other boys off——' [766] and he said to me, 'Why aren't you on the corner?' I said, 'I have to have my lunch.' 'Well,' he says, 'If you don't watch out you will be off the corner entirely.'"

Mr. Epstein, did any such conversation with Mr. Relis ever take place, to the best of your recollection? A. No, sir.

(Testimony of Solly Epstein.)

Q. Mr. Epstein, have you ever seen Mr. Relis off of the corner of Fifth and Spring?

A. Yes.

Q. About how many times?

A. Oh, I would say an average of about once a week, sometimes twice, three times a week.

Q. Where do you see him?

A. Well, sometimes most any corner. I would be maybe sometimes at Fifth and Hill, maybe sometimes at Fifth and Broadway, sometimes at Seventh and Broadway, or Seventh and Hill, or Eighth and Hill sometimes.

Q. And what was he doing at those times when you saw him?

A. At that time when I saw him he was carrying Jewish newspapers—two of them.

Q. Two Jewish newspapers?

A. Yes, sir.

Q. What were the names, Mr. Epstein? [767]

A. One of them was B'Nai B'Rith Message and the other was the Jewish Voice.

Q. What was he doing with the Jewish papers, Mr. Epstein?

A. Well, so far as I know, I have seen him so many times, only one time I asked him, "What are you doing with them papers?" and he said, "I am delivering them."

Q. Did you ever see him deliver those papers to a news stand? A. Yes, sir.

Q. Did you ever see him make sales of those papers to a customer? A. Yes, sir.

(Testimony of Solly Epstein.)

Q. About how many papers do you estimate he was carrying at the time you spoke to him?

A. Well, the last time I saw him he had about fifty papers, old ones and new ones.

Q. About how many times have you observed Mr. Relis about the city delivering these Jewish newspapers?

A. Oh, I would say anywhere from a year to two years. [768]

Q. Is Mr. Relis still occupying a corner at Fifth and Spring? A. Yes, sir.

Q. Did you ever take him off that corner for his activities in distributing Jewish newspapers and for being off the corner? A. No, sir.

Q. (By Mr. Compton): Did you ever at any time give any instructions to Mr. Relis concerning the time he was to spend on his corner?

A. No, sir. [769]

Q. (By Mr. Compton): Mr. Epstein, how long have you been district manager in the territory that you have described?

A. About twelve years.

Q. Do you give an instructions to corner men about how long they should stay on the corner?

The Witness: No, sir.

Q. (By Mr. Compton): You do not give them any such instructions? A. No, sir. [771]

Q. (By Mr. Compton): Mr. Epstein, are you a member of any labor organization?

A. Yes, sir. The Los Angeles Newspaper Guild.

(Testimony of Solly Epstein.)

Q. Is that an affiliate of the C. I. O.?

A. Yes, sir.

Cross Examination

Q. (By Mr. Mouritsen): How do you know it belongs to the C. I. O., Mr. Epstein?

A. Well, my card says that—I think. I don't know for sure. I think the card does. (Producing document.) Yes, sir.

Q. And that is the information upon which you base your conclusion? A. That is right.

Q. That it is affiliated with the C. I. O.? [772]

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Mr. Cosgrove: May it be stipulated that the testimony of Solly Epstein given this morning has no application to the Los Angeles Times case?

Mr. Mouritsen: It may be so stipulated. [773]